The House was not in session today. Its next meeting will be held on Tuesday, January 30, 2001, at 2 p.m.

## Senate

**Monday, January 29, 2001**

The Senate met at 12 noon and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

### Prayer

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

> Let us pray.

> Dear God, You constantly are seeking us. Our desire to pray arises in our hearts because You want to love, guide, inspire, and empower us. The greatest gift we can receive in this time of prayer is more of You. Whatever else You give or withhold is to draw us closer to You.

> In our world of politics, so often the question is, “Who gets the glory?” We confess that often we become obsessed by concern over whether we have been recognized for our abilities or rewarded for our accomplishments. Your admonition to us through Jeremiah helps us order our priorities. “Let not the wise man glory in his wisdom, let not the mighty man glory in his might, nor let the rich man glory in his riches, but let him who glories glory in this, that he understands and knows Me, that I am the Lord, exercising loving kindness, judgment, and righteousness in the earth. For in these I delight.”—Jeremiah 9:23–24.

> We dedicate this new week to delight in what delights You. You are the only One we want to please. You are our heart’s delight! Amen.

### Pledge of Allegiance

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### Appointment of Acting President Pro Tempore

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:


> To the Senate:

> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

> STROM THURMOND,

> President pro tempore.

Mr. ALLEN thereupon assumed the chair as Acting President pro tempore.

### Recognition of the Majority Leader

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business until 2 p.m., with the two leaders or their designees in control of that time. Following morning business, the Senate will begin consideration of Gale Norton’s nomination to be Secretary of the Interior. Under the previous order that was entered into last week, there will be up to 4 hours of debate on the Norton nomination during today’s session. Tomorrow the Senate will complete debate on the Norton nomination as well as consider the nominations of Governor Whitman to be the Environmental Protection Agency Administrator and Elaine Chao to be Secretary of Labor. Those confirmation votes are scheduled to occur at 2:45 p.m. tomorrow. Following those votes, the Senate will begin consideration of the nomination of John Ashcroft to be Attorney General. A vote on that nomination is expected prior to the Senate adjourning this week.

I should say that while the vote in the Judiciary Committee on Senator Ashcroft was delayed until this week, I believe there will be a vote on it either Tuesday or Wednesday morning. I hope we can begin the debate on his nomination as early as tomorrow afternoon and continue, if necessary, into the night and Wednesday and into the night and into Thursday—all if necessary.

I had a brief conversation with Senator DASCHLE this morning about the schedule for the next month or so, but we did not get into a deep discussion about exactly how to proceed after the
votes that are now scheduled at 2:45 tomorrow afternoon. We expect to meet later on today, and as we get an agreement of how we can proceed, certainly we will notify our Members to that effect.

I do want to say also, I firmly believe that Senators should have every opportunity to question the nominees to the President’s Cabinet, and to make statements on the floor if they choose so there can be a full reading of the record and a discussion of their record. But I also think it is important that we do come to a conclusion and reach a vote.

There has been good cooperation on both sides of the aisle, and from committees, over the past month when they were chaired by Democrats and last week as it continued under Republican leadership. We will have completed all the nominations but one by tomorrow afternoon. I hope we can move to that nomination expeditiously also.

Again, I am sure we will have a full debate, but I think after a reasonable period of time we should come to a vote so the Justice Department can have a Attorney General in place and can begin to do the very important job that he will have to carry forward.

I thank my colleagues for their attention and look forward to the debate this week and working with the leadership on the schedule.

Mr. LEAHY. Mr. President, if the distinguished Senator will yield for a comment?

Mr. LOTT. I will be glad to yield.

Mr. LEAHY. On the nomination of Senator Ashcroft to be Attorney General, I understand the White House actually sent the nomination up this morning. But even though they had not sent it until today, to try to accommodate the new President, we held hearings prior to the inauguration of the new President. I think we had an equal number of witnesses on both sides. There may have been one more for Senator Ashcroft than against, but all the way it was completed during that time. Answers that were submitted came in this weekend.

I know the distinguished chairman of the committee, Senator HATCH, is out of the country, but I am perfectly willing, certainly on this side, to go forward with the committee vote on him as soon as he comes in, especially now that the papers have come up from the White House. I notified the President’s office this morning—speaking about Senator Ashcroft—I will not take part in any filibuster, nor do I expect there to be any filibuster on this nomination. I assure the distinguished majority leader we moved as rapidly as we could. We now actually have the nomination and the schedule is now in the hands of my friend from Mississippi.

Mr. LOTT. I thank the Senator from Vermont for that information. I think it is appropriate we actually receive the nomination before we vote—a little small detail but that has been taken care of.

Mr. LEAHY. It always helps.

Mr. LOTT. I will be talking further to your leadership about how we schedule it this week, and I look forward to getting it completed as soon as possible.

I yield the floor, Mr. President.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. Under the previous order, the time until 1 p.m. shall be under the control of the Democratic leader, or his designee.

The Senator from Vermont, Mr. REID.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent the time for morning business on the Democratic side be extended until the hour of 1:10 and then the Republicans would, of course, have the next hour.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The Senator from Nevada.

NOMINATION

Mr. REID. Mr. President, as the majority leader indicated, we have done really a good job of approving the nominations of the new President. By tomorrow afternoon, 12 of the 13—1 think that is the right number—will have been approved. Anyway, all but one will have been approved.

While the Senator from Vermont is on the floor, I extend to him the appreciation of the entire Democratic caucus for the way the hearings have been conducted.

First, as Senator LEAHY was chairman of the committee, and then following that, working as the ranking member, this is a lot of heavy lifting.

I talked to someone today, and they asked me: Why is it taking so long? I indicated that it is taking a long time because—let’s assume Vice President Gore had been elected President, and I just pick a name. Let’s assume Senator KENNEDY had been selected to be the Attorney General for the United States rather than John Ashcroft, two people who have served this Senate on different sides of the political spectrum. I think the Republicans would have taken a lot of time to go over all the things Senator KENNEDY had said in speeches and things he had said on the Senate floor.

That is what we are doing. We are looking at the record of the designee for Attorney General, what he said when he was attorney general, what he did when he was attorney general, what he did when he was Governor, and what he did in the Senate.

I extend my appreciation to the Senator from Vermont for the job that has been done. Senator LEAHY, prior to coming here, was a Senator who had to prepare his cases to make sure all the evidence was brought before the jury and/or the court. That is in effect what he is doing, but in this instance the jury is the 100 Members of the Senator. Without a good record, we cannot make a good decision.

I have not had the benefit of sitting through all of these hearings as has the Senator from Vermont. Therefore, he must provide us, through the committee procedures, all he believes is important to be brought to the floor of the Senate. To this point he has, as usual, done an outstanding job. For the third time this morning, I extend the appreciation of the entire Democratic Conference for giving us information upon which we can make a decision regarding the Attorney General designate that has been sent to us by the President.

I personally have not made up my mind as to what I am going to do. Therefore, I am depending on the Senator from Vermont to give me his direction, his leadership. I think it is so important that we all take what has gone on in that committee to heart.

I have said publicly on other occasions that this is not a decision only Democrats will have to make. I hope the Republicans will also keep an open mind before rushing to a decision. I have been very disappointed in some of my friends on the other side of the aisle who, prior to a single witness testifying, said they were going to vote for Senator Ashcroft. I think they should also keep an open mind and base their decision on what has transpired before the Judiciary Committee.

I also take what the Senator from Vermont has said to heart. People have things to say. I do not know who wants to speak. We will certainly know before this debate takes place, but this is not a time to restrict—and I know the majority leader has not suggested that—restrict how much time people can take. We want to make sure there is full opportunity for people to say what they want to say.

I have been contacted by a number of my colleagues who are voting for and voting against Senator Ashcroft and who want to spend some time on the Senate floor explaining that position. The floor activities will be, of course, under the direction of the Senator from Vermont who is the ranking member on the Judiciary Committee. I look forward to a good debate. It should be a high point for the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Vermont, Mr. LEAHY.

Mr. LEAHY. Mr. President, I thank my dear friend, the senior Senator
from Nevada, for his kind words. As always, we rely on his leadership here, too. I appreciate what he said.

**NOMINATION OF JOHN ASHCROFT**

Mr. LEAHY. The President of the United States sent to the Senate the nomination of John Ashcroft to be the Attorney General of the United States. In advance of him sending it, to accommodate the new President and expedite the consideration of the nomination, I convened 3 days of hearings on this nomination over the 4-day period from January 16 to January 19.

The Republican leadership had announced weeks ago that all 50 Republican Senators would be voting in favor of this nomination, but I declined to prejudge the matter.

The Committee on the Judiciary has done the best it could to handle this nomination fairly and fully, and we did it through the efforts of which all members of the committee, on both sides of the aisle, and all Members of the Senate I believe can be proud.

Having reviewed the hearing record and the nominee’s responses to written follow-up questions from the Judiciary Committee, I come today to announce and explain my opposition to the nomination of John Ashcroft to be the Attorney General of the United States.

I take no pleasure in having reached this decision, which have voted or will vote, to confirm nearly all of the nominations to his family and to his religion. It was, I believe, a crucial misjudgment of the President that had its leader serve as majority leader.

I also had the privilege of working with John Ashcroft during the 6 years he served as a Senator, and I consider it a privilege. Most of us know him and admire his personal devotion to his family and to his religion. While we are not always in agreement, I respect his commitment to the principles he firmly holds, and I respect his right to act on those principles.

The fact that many of us served with Senator Ashcroft and know him and like him, I admire his personal devotion to his family and to his religion. While we are not always in agreement, I respect his commitment to the principles he firmly holds, and I respect his right to act on those principles.

Most of us believe that a President has a right to nominate executive branch officials who share his beliefs and to have the Senate confirm the nomination. However, the President may proceed to appoint that the President may propose to appoint.

The Constitution, interesting enough, is silent on the standard Senators should use in exercising this responsibility. Every Senator has the right to question the standard should be, and then each Senator has to decide how it applies in the case of any nomination, especially a controversial nomination such as that of Senator Ashcroft.

The Senate's constitutional duty is to advise and consent; it is not to advise and rubber stamp. Fundamentally, the question before us is whether Senator Ashcroft is the right person at this moment for the critical position of Attorney General of the United States.

This is an especially sensitive time in our Nation's history. Many seeds of disunity have been carried aloft by winds that often come in gusts, most recently out of Florida. The Presidential election, the margin of victory, was an issue that counting on which was halted by the U.S. Supreme Court, remain sources of public concern and even of alienation. Deep divisions within our country have infected the body politic. We experienced the closest Presidential election in the last 190 years, possibly in our history.

For the first time, a candidate who received half a million more votes lost. The person who received half a million fewer popular votes was declared the victor of the Presidential election by one electoral vote.

The Senate, for the first time in our history, is made up of 50 Democrats and 50 Republicans. Although this session of Congress is less than 1 month old, each political party has already had its leader serve as majority leader. Both Senator DASCHELE and Senator LOTT have served as majority leader.

Senate committees have already operated under both Democratic and Republican chairmanships, and dissenters will be written about this for years to come.

Much has been made of what has come to be known as the Ashcroft evolution, where activist positions he has held and valiantly advanced appear now to be suddenly dormant in deference, as he said, to settled law, at least during the confirmation hearings. But leaving Senator Ashcroft aside for a moment, it must not be left unremarked that he is not the only politician who has sent conflicting signals about his view of Government. We have already seen two distinct sides of the new President since he was declared the victor after the November election. One side is the optimistic face of bipartisanship—a sincere and knowledgeable President determined to work with like-minded Democrats and Republicans to overhaul the way we educate our children. This is a side of hope, cooperation, and compromise. In fact, in his inaugural address barely 10 days ago, President Bush acknowledged the difficulties of these times and the very special needs of a divided nation. He said: “While many of our citizens prosper, others doubt the promise, even the justice, of our own country.” He recognized that deep differences divide us and pledged “to work to build a single nation of citizens true to both hope and healing are waiting to emerge. But they are also fragile, like the first buds of the sugar maple in the spring in my own State of Vermont.

On the other side of the ledger, though, is the President’s decision to send to the Senate the nomination of John Ashcroft. Senator Ashcroft is a man we know and respect, but a man we also know held some of the most extreme political pressures on a variety of the most volatile social and political issues of our time: Civil rights, women’s rights, gun violence, discrimination against gay Americans, and the role of the judiciary itself.

Appointing the top law enforcement official of this land is the place to begin, if the goal is to bring the country together. I wish the President had sent us a nomination for Attorney General who would unite us rather than divide us. But that did not happen. This is a nomination in which the controversy written all over it from the moment it was announced. It should surprise no one that today we find ourselves in the middle of this battle. It should surprise no one that the polls in this country show the American people are deeply divided on this nomination.

It was, I believe, a crucial miscalculation from the President and his advisers to believe this nomination would have brought all of us together. Opinions, as some have suggested, is an instance where consensus was not the objective.

Many organizations and their members have weighed in on either side of this debate. Some advocates for the nominee have been especially critical of the membership groups that oppose this nomination. It must be said that the only political pressure groups that appear to be acting in this nomination are the far right wing elements of the Republican Party who insisted this particular nominee be put to a vote. But that did not happen. This is a nomination that has been controversial from the moment it was announced. It should surprise no one that today we find ourselves in the middle of this battle. It should surprise no one that the polls in this country show the American people are deeply divided on this nomination.

What is crystal clear to me is that the nomination of John Ashcroft does not meet the standard the President himself has set. In those who doubt the promise of American justice—and there are those—it does not inspire confidence in the U.S. Department of Justice.

The Senate can help mend these divisions, it can give voice to the disaffected, it can help to restore confidence in our Government, but only if...
it remains true to its own constitutional responsibilities. At a time of intense political frustration and division, it is especially important for the Senate to fulfill its duty.

One of the abiding strengths of our democracy is that American people have opportunities to participate in the political process, to be heard, and to believe that their views are being taken into account. When the American people carry out their vote, that vote is important, every vote should be counted. Then when we hold hearings, and when we vote, we have to be cognizant that each of us has sworn an oath to uphold the Constitution. Each action we take as Senators has to be consistent with that oath.

There are 280 million Americans in this wonderful and great country of ours. Of those 280 million Americans, there are only 100 people who have the license to vote above all others, that license is the nomination: 100 Members of the Senate, a body that should be the conscience of the Nation, and sometimes is. Two hundred eighty million Americans expect us to make up our minds on this.

There is a reason many of us believe that the job and role of Attorney General is the most important job in the Cabinet. Why? Because it is not simply a job where you carry out what the President tells you to do; it is far more than that. The extensive authority and discretion to act in ways that go beyond Presidential orders are part of the important role of the Attorney General and the chief law enforcement officer of the country. The Attorney General is the lawyer for all the people. He is the chief law enforcement officer of the country. The Attorney General is not the lawyer for the President. The President has his counsel for that. The Attorney General is the lawyer for all of us, no matter where we are from, no matter what party we belong to. We all look to the Attorney General to ensure evenhanded law enforcement. And we look to the Attorney General for the protection of our constitutional rights—including freedom of speech, the right to privacy, a woman’s right to choose, freedom from Government oppression, and equal protection of the laws. The Attorney General plays a critical role in bringing the country together, bridging racial divisions, and inspiring people’s confidence in their own Government.

Senator Ashcroft has often taken aggressively activist positions on a number of issues that deeply divide the American people. He had a right to take these activist positions. But we have a duty to evaluate how these positions would affect his conduct as Attorney General. John Ashcroft’s unyielding and intemperate positions on many issues raise grave doubts, both about how he will interpret the oath he would take as Attorney General to enforce the laws and uphold the Constitution and also about how he will exercise the enormous power of that office.

Let me be very clear on this. I am not objecting to this nominee simply because I disagree with him on ideological grounds. I have voted for many nominees with whom I have disagreed on ideological grounds. I am not applying the “Ashcroft standard” as he applied it to Bill Lann Lee and other Presidential nominees over the last 6 years. My conclusion is based upon a review of John Ashcroft’s record as the attorney general and then Governor of Missouri, as a Senator, and also on his testimony before the Judiciary Committee. It is based on how he has conducted himself and what positions he has taken while serving in high public office while sworn to uphold the Constitution, basically the same oath one would take while serving as Attorney General.

President Kennedy observed that to govern is to choose. What choices the next Attorney General makes about resources and priorities will have a dramatic impact on almost every aspect of the society in which we live. The American people are entitled to be sure not just that this nominee says he will enforce the laws on the books but also to be sure those what positions he will have to make, what changes he will seek in the law. Most importantly, we are entitled to know what changes he will seek in the constitutional rights that all Americans currently enjoy—that includes, of course, what positions he will urge upon the Supreme Court—in particular, whether he is going to ask the Supreme Court to overturn Roe v. Wade or to impose more burdensome restrictions on a woman’s ability to secure legal and safe contraceptives.

On several occasions he has made it clear as his lifelong opposition to a woman’s right to choose, his support for measures to criminalize abortion even in cases of rape and incest, and his efforts to limit access to widely used contraceptives, Senator Ashcroft has moved far outside the mainstream. The controversial positions taken by this nominee and his record require us to reject this nomination as the wrong one for the critical position of Attorney General of the United States at this time in our history.

It is in part because I know John Ashcroft to be a person of strong convictions and consistency that I am concerned that he could not disregard those long-held convictions if he is confirmed by this body. It troubles me that he took essentially the same oath of office as attorney general of Missouri that he would take as Attorney General of the United States, but he acted differently than what he tells us he would do. Senator Ashcroft assumed a dramatically different tone and posture on several matters during the course of his hearing.

The new John Ashcroft did not oppose the nomination of James Hormel because of his sexual orientation. The new John Ashcroft is now a supporter of the assault weapons ban. The new John Ashcroft is an ardent believer in civil rights, women’s rights, and gay rights. The new John Ashcroft believes Roe v. Wade is settled law. In fact, the more I heard him refer to matters he has consistently opposed, laws he consistently tried to rewrite, the more he referred to them as settled law and the more unsettling that became.

Occasionally, we would get a peek behind the confirmation curtain. What we saw was deeply disturbing. Senator Ashcroft was unrepentant in the way he torpedoed the nomination of Judge Ronnie White to the Federal district court, despite calls from some Republican Senators who personally apologized to Judge White for the shabby treatment he received. Senator Ashcroft, on the one hand, denied that sexual orientation had anything to do with his opposition to the Hormel nomination, then left the distinct, gratuitous impression that there was something unspoken, unreported, yet unacceptable about Mr. Hormel that somehow disqualified him. Senator Ashcroft was unqualified by the United States as Ambassador to Luxembourg, even though Luxembourg said they would welcome his appointment as Ambassador.

Senator Ashcroft repeatedly declined to answer the straightforward question posed by the present Senator as to why he torpedoed the nomination of Judge Hormel. He has repeatedly refused to answer any question on the record.

Senator Ashcroft’s record as the head of the American Bar Association was unyielding and intransigent. Senator Ashcroft has often taken activist positions on a number of issues, including freedom of speech, a woman’s right to choose, freedom from Government oppression, and equal protection of the laws. The law touches us all every day of our lives. The Attorney General, the nation’s top law enforcement official, is charged with enforcing the laws on the books but also with maintaining the society in which we live. The Attorney General is the lawyer for all of us, and we must all have confidence in this one example of our democracy in action. Our Attorney General is our touchstone. Our challenge has been to reconcile the extraordinary importance. The judgments and policies of the Attorney General are of extraordinary importance. The judgments and priorities of the person who serves as Attorney General affect the lives of all Americans.

We Americans live under the rule of law. The law touches us all every day of our lives. The law affects our family, our health and our very rights as citizens. Our Attorney General is our touchstone in the fair and full application of
our laws. The Attorney General not only needs the full confidence of the President, he or she also needs the full confidence of the American people.

The Attorney General controls a budget of more than $20 billion, directs the advising of over 123,000 attorneys, investigators, Border Patrol agents, deputy marshals, correctional officers, other employees, in more than 2,700 Justice Department facilities around the country, actually more than 90 in foreign cities. The Attorney General supervises the selection and the actions of 93 U.S. attorneys and their assistants and the U.S. Marshals Service and its offices in each State. The Attorney General supervises the FBI and its activities around the world and in this country, as well as the INS, the DEA, the Bureau of Prisons, and a whole lot of other Federal law enforcement departments.

The Attorney General evaluates judicial candidates, recommends judicial nominees to the President, advises on the constitutionality of bills and laws. The Attorney General determines when the Federal Government is going to sue an individual or a business or even a local government. The Attorney General regulates admissions to the bar, what arguments to make to the Supreme Court or other Federal courts, even State courts, on behalf of the U.S. Government.

As I said at the confirmation hearings for Edwin Meese to be Attorney General, while the Supreme Court has the last word in what our laws means, the Attorney General, more importantly, has the first word.

The Attorney General exercises broad discretion—indeed, most of that discretion is not even reviewed by the courts; one might say it is very rarely and then only sparingly reviewed by the Congress—over how to allocate that $20 billion budget, then how to distribute billions of dollars among law enforcement assistance to State and local governments, and coordinate task forces on important law enforcement priorities. These are the priorities the Attorney General sets.

The Attorney General makes the decision when not to bring prosecution as well as when to bring prosecution, when to settle a case and when to go forward with a case. Having been a prosecutor, I know these are the decisions that public officials must make that are best left to the discretion of the Attorney General. Anything that a Governor or a President or Member of Congress might do. A willingness to settle appropriate cases once the public interest has been served rather than to pursue endless and divisive and expensive appeals, as John Ashcroft did in the Missouri desegregation cases, is a critical qualification for the job.

There is no appointed position within the Federal Government that can affect more lives in more ways than the Attorney General. No position in the Cabinet is more vulnerable to politicization by one who puts ideology and politics above the law. We should expect—all of us, not just 100 Senators but 280 million Americans—to have an Attorney General who will ensure evenhanded law enforcement and equal justice for all, protection of our basic constitutional rights to privacy, including a woman's right to choose and our rights to free speech and to freedom from government oppression. We look to the Attorney General to safeguard our marketplace from predatory and monopolistic activities and to protect our air and our water and our environment.

The Attorney General, among all the members of the President's Cabinet, is the officer who must be most removed from politics, if he is going to be effective and if he is going to fulfill the duties of that office.

Now, I have a deep and abiding respect for the Senate and its vital role in our democratic government. Twenty-six years in the Senate have given me the privilege and work with hundreds of others in this body. I cherish those friendships, and not only the friendships of the other 99 Senators here today, but the others I have served with over a half a century. But far beyond friendship, my first duty as a U.S. Senator from Vermont is to the Constitution. I have sworn to uphold the Constitution.

In the aftermath of the national election in November, I have gone back to that Constitution many times. This weekend, I re-read the appointments clause.

I cannot give consent to the nomination of John Ashcroft to be Attorney General and thus be true to my oath of office. I do not have the necessary confidence that John Ashcroft can carry on the great tradition and fulfill the important role of Attorney General of the United States.

The American people certainly are not united in any such confidence. This nomination does not help President Bush to fulfill his pledge to unite the Nation.

I will vote no when the Senate is asked to give its advice and consent to the nomination of John Ashcroft to be Attorney General of the United States.

To further elaborate, Mr. President, the week before the Inauguration of the new President, the Senate Judiciary Committee conducted three days of hearings over four days on the nomination of former Senator John Ashcroft to be the next Attorney General of the United States. Not only from the nominee but also from thirteen witnesses called on his behalf and thirteen witnesses who opposed his nomination. While a number of my colleagues, most notably the entire Re- publican caucus, expressed support for this nomination before the hearing, I declined to pre-judge the nominee until I heard his testimony and that of other witnesses, and reviewed their responses to follow-up written questions. I rise today to express my opposition to this nomination.

The Appointments Clause of the Constitution gives the Senate the duty and responsibility of providing its advice and consent. The Constitution is silent on the standard that Senators should use in exercising this responsibility. This leaves to each Senator the task of figuring out what standard to apply and, most significantly, leaves to the American people the ultimate decision whether they approve of how a Senator has fulfilled this constitutional duty.

Many of us believe that the President has a right to appoint to executive branch positions those men and women whom he believes will help carry out his agenda and policies. Yet, the President is not the sole voice in selecting and appointing officers of the United States. The Senate has an important role in this process. It is advise and consent, not advise and rubberstamp. The Senate has a duty to take this constitutional function seriously.

There was a time, of course, when "senatorial courtesy" meant cursory attention to former members of this body. Now, with the importance of important government positions did not even appear before Committees for hearings. Certainly, the Senate was and should continue to be courteous to all nominees, but we should not use a double standard for members who have not been re-elected to the Senate. No one nominated to be Attorney General should be treated specially either favorably or unfavorably just because he once served in the Senate. The fact that the majority of our party served in the Senate and like John Ashcroft does not excuse the Senate from faithfully carrying out its constitutional responsibility with regard to this nomination. Our constitutional duty rather than any friendship for Senator Ashcroft must guide us in the course of these proceedings and on the final vote on his nomination.

This is especially the case in these times when the new President is emerging from a disputed election that was decided after vote counting in Florida was ordered to stop through the intervention of the U.S. Supreme Court. The resolution of this election remains a source of public concern and sharp division in our country, reflected in a deeply divided electorate and demands from all sides for bipartisan leadership.

These are not auspicious beginnings for a new Administration and this nomination has been a troubling signal. Senator Ashcroft has been a congrssively activist positions on a number of issues on which the American people feel strongly and on which they are deeply divided. On several of those issues, such as his lifelong opposition to a woman's right to choose and support for measures to criminalize abortion, even in cases of rape and incest, and to limit access to widely-used contraceptives, he is far outside the mainstream.

The President has said his choice is based on finding someone who will enforce the law, but we need more than airy promises on this score to vest the extensive authority and important role
the Attorney General in John Ashcroft. His assurances that he would enforce the law cannot be the end of our inquiry, as some would urge. The heart of the Attorney General’s job is to exercise discretion in deciding how and where to spend the limited resources at his disposal. He chooses how to allocate the limited resources at his disposal in the light of the serious charges that have arisen in the wake of the Florida vote in the presidential election. It is critical that our new Attorney General have a stellar record on voting rights issues.

Neither Senator Ashcroft’s handling of this matter as Governor nor his response to the Committee’s questions about it inspire confidence. Indeed, it was distressing that Senator Ashcroft, when given the chance to explain his position, chose to engage in an apparent “filibuster” by reading his entire veto messages, which were neither concise nor responsive to the questions he was asked. As a result, the time of his questioner expired and Senator Ashcroft was able to avoid confronting this issue fairly and completely.

Set against John Ashcroft’s questionable record on voting rights issues, his record while he served as Attorney General and Governor of Missouri on other desegregation plans for the St. Louis school system is particularly troublesome. My concern is not merely that he fought a voluntary desegregation plan, since I can well appreciate the volatility of using busing to achieve equal educational opportunities. My concern is over the manner in which he aggressively fought this voluntary plan, the defiance he showed to the courts in those proceedings and his use of that high-handed and partisan advantage rather than for constructive action. Most significantly, on at least four crucial points, the testimony he gave to the Committee about this difficult era in Missouri’s history was incomplete and misleading, which he essentially conceded when I corrected the record on the second day of the hearing.

First, Senator Ashcroft repeatedly claimed during the first day of his testimony that the state was not a party to the litigated voluntary desegregation plans for the St. Louis school system. He testified, in response to my questions that “the state had never been party to the litigation.” (1/16/01 Tr., at p. 101). He repeated this assertion that the state was not a party to the litigation, stating, “If the state hadn’t made a party to the litigation and the state is being asked to do things to remedy the situation, I think it’s important to ask the opportunity for the state to have a kind of due process, and the protection of the law that an individual would expect.” (Id., at p. 101).

Yet, Missouri was, indeed, made a party to the St. Louis lawsuit in 1977, the year after Ashcroft took over as the state’s Attorney General. See Adams v. United States, 620 F.2d 1277,1285 (8th Cir.), cert. denied, 449 U.S. 826 (1980). I pointed out this fact at the outset of the second day of the hearing. (1/17/01 Tr., at p. 2-3). Senator Ashcroft thanked me for the opportunity to clarify the record. (Id., at 2-3).

Second, Senator Ashcroft also repeatedly claimed in that the state was not liable. He testified that “I opposed a mandate by the federal government that the state, which had done nothing wrong, found guilty of no wrong, that they should be asked to pay.” (Id., at 101). Again, he testified “the state had not been found guilty of anything.” (Id.). He explained that “I argued on behalf of the state of Missouri that it could not be found legally liable for segregation in St. Louis schools because the state had never been party to the litigation.” (Id.). He further explained, “Frankly, I thought the ruling by the court that the state would have to pay when there was no finding of a state violation to be unfair.” (Id. at p. 101). He maintained this position in response to questions by Senator Kennedy and testified that segregation in St. Louis was “not a consequence of any state activity.” (Id., at p. 123).

In fact, however, the state was found directly liable for illegal school segregation in St. Louis. In March 1980, the Eighth Circuit ruled that both the state and the city school boards were liable for segregation. Adams v. United States, 620 F.2d 1277, 1280, 1291, 1294-95 (8th Cir.), cert. denied, 449 U.S. 826 (1980). The state’s improper conduct included previously mandating, over a period of years, the inter-district transfer of black students into segregated city schools to maintain segregation. Id. at 1280. In other words, when Senator Ashcroft testified that the State ‘had not been found really guilty of anything’ then that it had been found guilty of imposing forced busing on African-Americans in order to segregate them. And the ‘mandate by the federal government’ that he opposed was a mandate to remedy the State’s own flagrant violation of Brown v. Board of Education.

In June 1980, the district court made clear the state’s liability, explaining that “the State defendants stand before the Court as primary constitutional wrongdoers who, by and large, abdicated their remedial duty. Their efforts to pass the buck among themselves and other state instrumentalities must be rejected.” Liddell et al. v. Bd. of Ed. of City of St. Louis, 491 F. Supp. 351, 357, 367 (E.D. Mo. 1980), aff’d 667 F.2d 643 (8th Cir.), cert. denied, 454 U.S. 1081 (1981). Attorney General Ashcroft appealed this liability finding, but the Eighth Circuit rejected his argument and affirmed. (1/17/01 Tr., at p. 2-3), and Senator Ashcroft’s argument was rejected. The U.S. Supreme Court denied the state’s attempt to appeal the decision. 454 U.S. 1081, 1091 (1981).
Again, in 1982, the Eighth Circuit reiterated that the state defendants were "primary constitutional wrongdoers" that could be ordered to take remedial action. Liddell, 677 F.2d 62, 628-29, (8th Cir.), cert. denied 459 U.S. 877 (1982). The U.S. Supreme Court again denied the state's attempted appeal.

Yet again, as his attorney general term was ending in 1984, the Eighth Circuit rejected the state's arguments against voluntary city-suburb desegregation, and the Supreme Court again denied review. Liddell, 731 F.2d 1294, 1305-9 (8th Cir.), cert. denied, 469 U.S. 816 (1984).

I pointed out the multiple findings of state liability by the federal courts at the outset of the second day of the hearing, and Senator Ashcroft conceded the accuracy of that correction. (1/17/01 Tr., at p. 2-3). It is a shame, indeed, that he only acknowledged the settled law of the case 20 years after the courts decided it.

Third, Senator Ashcroft testified that in the St. Louis case, "[i]n all of the cases where the court made an order, or the order, both as attorney general and as governor." (1/16/01 Tr., at p. 125-126). He repeated this claim in response to questions from Senator HATCH, stating that "we complied with the orders of the federal district court of appeals and of the United States Supreme Court." (1/17/01 Tr., at p. 197).

While as attorney general, John Ashcroft may have complied with the technical terms of the court orders, his vigorous and repeated appeals show that he did so reluctantly and the scathing criticism he received from the courts shows that they lacked confidence in how he was fulfilling his obligations as an officer of the court. This is troubling. In 1981, the federal district court ordered the state and the city board to submit voluntary desegregation plans, but attorney general Ashcroft opposed them. Subsequently, the court threatened in March 1981 to hold the state in contempt if it did not meet the latest deadline and explicitly criticized the state's "continual delay and failure to comply" with court orders. (AP 3/5/81).

The court also stated the following: "The court can draw only one conclusion—the state has, as a matter of deliberate policy, decided to defy the authority of the court." (St. Louis Post-Dispatch, February 29, 1984). The district court also stated in a 1984 order, "if it were not for the state of Missouri and its feckless appeals, perhaps none of us would be here today." (St. Louis Post-Dispatch, December 30, 1984).

Four times the court denied that he "opposed voluntary desegregation of the schools" and said "nothing could be farther from the truth." (1/16/01 Tr., at p. 99). He asserted that "I don't oppose desegregation" and that "I am in favor of integration," and only once did the state being asked to pay this very substantial sum of money over a long course of years." (Id., at p. 101).

I take Senator Ashcroft at his word that he supports integration. This only makes more disturbing his public statements made in the heat of political campaigns that exacerbated an already difficult situation over desegregation in St. Louis. In 1981, he proposed a plan by the Reagan Administration for voluntary desegregation, based not just on cost but also because it would allegedly attract "the most motivated" black city students, even though the court itself had disagreed. (Newsweek, May 18, 1981). I cannot understand how John Ashcroft, leading advocate of vouchers to facilitate "parental choice" for those motivated to leave the public school system, could at the same time oppose the parental choice involved in voluntary school desegregation for "motivated" African-Americans. In 1984, he assailed the St. Louis desegregation plan as an "outrage against human decency." (St. Louis Post-Dispatch, June 15, 1984). In his 1984 gubernatorial campaign, he proudly stated that he had done "everything in his power legally" to fight the plan and suggested that listeners should "[a]sk Judge (William) Hungate who threatened me with contempt." (UPI Feb. 6, 1984).

Commentators at the time were critical of John Ashcroft's use for political gain of the difficult challenges of desegregating the schools. For example, the Post-Dispatch commented that Ashcroft's opposition to interdistrict remedies was motivated by his 1984 gubernatorial campaign. The editorial states that in 1984, "the court was divided over whether to order interdistrict remedies. The minority, which included the late Mel Carnahan, preferred that the court order the school districts to cooperate in desegregation. Ashcroft's position was that the St. Louis school district would receive less money if it participated in desegregation in other districts. While Ashcroft's concerns were valid, his position was based not just on the cost but also because he had opposed the United States Supreme Court's order for desegregation. (St. Louis Post-Dispatch, March 11, 1984). An African-American newspaper, the St. Louis American, had even harsher words for Ashcroft. "Here is a man who has no compunction whatsoever to take the speech of our young people merely for the sake of winning political favor," it wrote. "Ashcroft implies at every news conference, radio and television interview that he couldn't care less what happens to black school children." (St. Louis Post-Dispatch, March 11, 1984).

Finally, during the course of the hearing, Senator Ashcroft tried to deflect any criticism of his own actions over desegregation by trying to blame others. He repeatedly cited in his oral testimony and again in his responses to written questions, an incident "when the state treasurer balked at writing the checks" and "it became necessary to send a special delegation from my office to him to indicate to him that we believed compliance with the law was the inescapable responsibility . . . fortunately, the state treasurer at the time made the decision to abandon plans for a separate counsel and to go ahead and make the payments." (1/17/01 Tr., at p. 196; see also 1/16/01 Tr., at p. 100-103).

The treasurer to whom Senator Ashcroft referred was the late Mel Carnahan. As I clarified on the record, Treasurer Carnahan faced personal liability for making a payment without the warrant of the commissioner of administration of the state of Missouri and properly issued the check as soon as he had the appropriate legal authority to issue it. (1/17/01 Tr., at p. 130). In other words, Mel Carnahan did not, as Senator Ashcroft implied, seek to defy the court's order; he merely made sure that legally mandated procedures for complying with that order were followed. The insinuation that Mel Carnahan was the desegregating Missouri's schools is false and reprehensible. Governor Carnahan is rightly credited with bringing this lengthy litigation to a close and fashioning progressive, bipartisan legislation to appropriate funds sufficient for a remedy and allowing the court to withdraw from active supervision of the case.

In my view, Senator Ashcroft's thinly-veiled disparaging testimony about his deceased political opponent was mean and offensive.

In his written response to questions from Senator KENNEDY, Senator Ashcroft presents his role in the desegregation case as simply an attempt to oppose interdistrict remedies, not intradistrict remedies. This is the same argument he made as Attorney General to justify bringing appeals from desegregation orders in 1981, 1982, and 1984. As explained above, the courts repeatedly rejected this argument. It should be noted in this regard that John Ashcroft did not merely appeal those orders that imposed interdistrict remedies—he also appealed orders mandating that the State aid in making improvements within St. Louis itself, and orders that simply told the State to enter into discussions concerning the possibility of interdistrict cooperation. See, e.g., Liddell v. Board of Educ. No. 97 CV 663. It should also be noted that the courts found that Missouri was constitutionally responsible for segregation in St. Louis in part because it mandated the transfer of black suburban students into segregated city schools to enforce segregation. Liddell v. Bd. of Educ., 491 F. Supp. 351, 359 (E.D. Mo. 1980).

Ignorance Is His Defense—Southern Partisan and Bob Jones University. Senator Ashcroft's record on the racially-charged issues of voting rights and desegregation make more worrisome his explanations for and associations with Southern Partisan magazine and Bob Jones University. In short, his explanation is ignorance.

In 1998, Senator Ashcroft gave an interview to the Southern Partisan, a magazine which has gained a reputation for espousing racist views due to its praise in past articles of some figures as former KKK leader David Duke and its defense of slave-holders. At the hearing, Senator BIDEN asked Senator Ashcroft about this interview and his
association with this publication. Senator Ashcroft disavowed any knowledge about the publication or its reputation. He said, “On the magazine, frankly, I can’t say that I knew very much at all about the magazine. I’ve given magazine interviews to lots of people. I don’t know if I’ve ever read the magazine or seen it” (1/17/01 Tr., p. 146). He told Senator FINKOLD that he thought the magazine was “a history journal.” (Id., at 219).

Yet it is difficult to square Senator Ashcroft’s quoted remarks in the Southern Partisan interview with his purported ignorance about the publication. He praised the magazine, saying “Your magazine also helps to set the record straight.” He praised its publication. He said that its history journal. He told Senator FEINGOLD that the school would drop the parental permission requirement but that students who wanted to engage in “serious dating relationships.” He told Senator FEINGOLD that the public school had not admits African American students. This school is not accredited. It is not an institution seven years later. Again, as with the Southern Partisan interview, Senator Ashcroft has never apologized for accepting an honorary degree from Bob Jones University in February 2000. He expressed regret for the appearance, in recognition of the “anti-Catholic and racially divisive views” associated with that school. Another Republican colleague, who also received an honorary degree from Bob Jones University, Representative AIA HUTCHINSON, later took a public step to dissociate himself from both the school and the policy of calling the school’s policies “indeﬁnable.” (New York Times, March 1, 2000).

Senator Ashcroft apparently has no regrets about accepting an honorary degree from Bob Jones University. On the contrary, Senator Ashcroft made it clear in response to questions from both Senator DURBIN and Senator FEINSTEIN that he would consider a repeat visit to Bob Jones University as U.S. Attorney General. (1/17/01 Tr., pp. 237, 243). Senator DURBIN asked Senator FEINSTEIN that he would consider a repeat visit to Bob Jones University. You now know about Bob Jones University. Do you accept that invitation? Senator FEINSTEIN asked “In six months, you receive an invitation from Bob Jones University. You now know about Bob Jones University. Do you accept that invitation?” Senator FEINSTEIN indicated that, “I would accept the invitation from the university is; what the reason for the invitation is,” but the short answer is “I don’t want to rule out that I would ever accept any invitation there.” (Id., at p. 243).

This response was dismaying for a man who seeks the post of lawyer and advocate for all the people of this country. During the hearing, I suggested that he “put that honorary degree in an envelope and send it back and say that you’re strong about what you feel about the policies.” (Id., at p. 262). Maybe at a minimum he could send it back with a statement that he will consider associating with Bob Jones University again if and when the school publicly disavows all of its racially and religiously offensive positions. That, at least, would be better than hanging a degree from an infamous bastion of discrimination on the wall of the Attorney General’s ofﬁce. Ignorance is a weak defense for associating with institutions that notori- ously espouse racially insensitive and discriminatory philosophies and policies. An inability to recognize one’s...
mistakes, and to acknowledge the sensitivities of others, is a serious flaw in a man who would be the Attorney General of all the people.

Finally, despite the deep concern about his judgment in appearing at Bob Jones University, Senator Ashcroft has been less than forthright with the Committee. During my short tenure as Chairman of the Committee, I asked him personally for a copy of his commencement address, in whatever form it was, at a meeting on January 4, 2001. Vice President Cheney, as head of the transition of-...
may ask themselves whether a man who used his public office to besmirch a respected judge for crass political ends is the sort of man the American people deserve as their Attorney General.

I want to discuss a few of the circumstances surrounding the White nomination that cause me particular concern.

As an initial matter, I am disturbed by Senator Ashcroft’s repeated claims that he torpedoed Judge White at the urging of law enforcement groups that had come forward to oppose the nomination. On the Senate floor, Senator Ashcroft told his colleagues that law enforcement officials in Missouri had “decided to call our attention to Judge White’s record in the criminal law.” (CONGRESSIONAL RECORD, October 4, 1999, at S11872). But after the Senate voted to reject the nomination, the press reported that Senator Ashcroft had actually solicited opposition to Judge White from law enforcement officials. (St. Louis Post-Dispatch, October 8, 1999). This detail— who contacted whom came up at the hearing, and was at the center of more attempts by Senator Ashcroft to shade the facts.

At the hearing, Senator Durbin noted while questioning Senator Ashcroft that the Missouri Chiefs of Police had refused to accept his invitation to oppose Judge White. Senator Ashcroft responded, “I needed to clarify some of the things that you have said. I wasn’t inviting people to be part of a campaign.” Senator Durbin followed up by asking, “Your campaign did not contact these organizations?” The nominee tried to side-step the issue by making a general statement rather than responding directly to the question he was asked. He said, “My office frequently contacts interest groups related to matters in the Senate. We work with them on an ad hoc basis. It’s not without a precedent that we would make such a request to see if someone wants to make a comment about such an issue.”

According to the St. Louis Post-Dispatch, Senator Ashcroft’s office contacted at least two police groups with respect to Judge White’s nomination, and the contacts went well beyond a mere “request to see if someone wants to make a comment.” The president of the Missouri Police Chiefs Association said that he had been solicited by Senator Ashcroft’s office to protect the nomination. Senator Ashcroft asked whether the Association would work against the nomination. The Association declined. Its president said that he knew Judge White personally and had always known him to be “an upright, fine individual.”

According to the same article, Senator Ashcroft’s office also solicited opposition to Judge White from the Missouri State Patrol and the Chiefs of Police, although no letter has been received from either group, a fact Senator Ashcroft himself acknowledged. Moreover, although Senator Ashcroft did not acknowledge the fact, many law enforcement officials strongly supported Judge White. At the hearing, I put into the record a strong letter of support and endorsement from the chief of police of the St. Louis Metropolitan Police Department for Judge White, which Senator Ashcroft reportedly received before the vote on Judge White’s nomination. I also put into the record another letter from the Missouri State Lodge of the Fraternal Order of Police from shortly after the vote, stating on behalf of 4,500 law enforcement officers that Senator Ashcroft’s office did not solicit their opposition to Judge White’s record as “one of the judges whose record on the death penalty has been far more supportive of the rights of victims than the rights of criminals.” Yet when Senator Ashcroft went to the floor of the Senate in October 1999 to disparage Judge White’s record as “procriminal,” he gave a one-sided account, ignoring the law enforcement officials who had come out in support of Judge White’s nomination or declined Senator Ashcroft’s invitations to oppose him.

It is worth reviewing the history that led up to Senator Ashcroft’s denouncement of Judge White on the floor, because that history sheds some light on the genesis of the supposed “procriminal” concerns. President Clinton first nominated Judge White in June 1997. Like many other judicial nominations during the Clinton Administration, the nomination was held in limbo for more than two years before the Senate finally voted on it in October 1999. During most of that time, there was no mention of Judge White’s judicial record. Senator Ashcroft has said that he began to review Judge White’s opinions “upon his nomination” (CONGRESSIONAL RECORD, October 4, 1999, at S11871), yet he did not elaborate on his reasons for opposing Judge White until August 1999, when he told reporters that Judge White had “a very serious bias against the death penalty.” At the time, the death penalty question was not an issue in Senator Ashcroft’s re-election campaign against the late Governor Carnahan, who had recently commuted the sentence of a death row
inmate at the request of Pope John Paul II. It was Governor Carnahan who, in 1995, appointed Judge White to the Missouri Supreme Court.

When Judge White came before the Judiciary Committee in May 1998, he was joined by two members of Missouri's congressional delegation, Senator BOND and Congressman CLAY. Both urged Judge White's confirmation. Congressman CLAY also stated that he opposed the nomination with Senator Ashcroft, and that Senator Ashcroft had polled Judge White's colleagues on the Missouri Supreme Court—all Ashcroft appointees—and they all spoke highly of Judge White and said he would make an outstanding federal judge. That was yet another set of endorsements for Ronnie White that Senator Ashcroft did not himself acknowledge when he spoke out on the nomination.

At the hearing, Senator Ashcroft submitted 21 written questions to Judge White, 15 more than were submitted to the other nominees at the same hearing. Among those questions were questions about Judge White's judicial record. It was a written question with his own personal political agenda. Such accusations should not be more derogatory that could be said about any other issue, including the death penalty case about which he had also asked Judge White a written question. Apparently then, as of May 1998, Senator Ashcroft's investigations into Judge White were conducted with his own personal political agenda. It is entirely defensible. The first and the most obvious question was a written statement in the Committee records on May 21, 1998, to explain his vote. Making reference to the anti-abortion bill that was the subject of those written questions, he said: "I have been contacted by constituents who are injured by the nominee's manipulation of legislative procedures while a member of the Missouri General Assembly. This contributes to my decision to vote against the nomination." Senator Ashcroft mentioned concerns about any other issue, including the death penalty case about which he had also asked Judge White a written question.

When Senator Ashcroft joined a handful of Senators and voted against Judge White, he made a short statement in the Committee records on May 21, 1998, to explain his vote. Making reference to the anti-abortion bill that was the subject of those written questions, he said: "I have been contacted by constituents who are injured by the nominee's manipulation of legislative procedures while a member of the Missouri General Assembly. This contributes to my decision to vote against the nomination." Senator Ashcroft mentioned concerns about any other issue, including the death penalty case about which he had also asked Judge White a written question. Apparently then, as of May 1998, Senator Ashcroft's investigations into Judge White's judicial record had not unearthed any "procriminal" concerns.

Senator Ashcroft's testimony and answer to written questions that reductive rights played no part in his opposition to Judge White is flatly contradicted by the two questions he asked about the judge as a state legislator calling "an unscheduled vote that resulted in the defeat of a measure designed to limit abortions," and the statement of concern from the Judiciary Committee mark up record in May 1998, in which he referred to Judge White's "manipulation of legislative procedures while he was a member of the Missouri General Assembly," and monstrously stating that "[h]is dissents were well-reasoned and strongly presented." Senator Ashcroft well knows. At his own hearing, Senator Ashcroft admitted that he had characterized Judge White's record as being "procriminal," but claimed that he "did not derogate his background." I believe that Senator Ashcroft's attacks on Judge White on the Senate floor went well beyond simply characterizing his record. Senator Ashcroft suggested that Judge White had "a tremendous bent toward criminal activity" (CONGRESSIONAL RECORD, October 5, 1999, at S11933) and "a serious bias against a woman's right of privacy to impose the death penalty" (CONGRESSIONAL RECORD, October 4, 1999, at S11872), and argued that, if confirmed, "he will use his lifetime appointment to push law in a procriminal direction, consistent with his own personal political agenda" (id.). In my 26 years in the Senate, I have never heard an attack like that on the Senate floor against a sitting judge. I can scarcely imagine anything more derogatory that could be said about a judge than that he uses his office to pursue a personal procriminal agenda. Such accusations should not be lightly made. The facts show that they were baseless.

Fact one: Judge White voted to uphold the death penalty 40 times in 58 death penalty cases. In other words, he voted to uphold the death penalty in about 70 percent of the capital cases that came before him. One of Senator Ashcroft's own appointees to the Missouri Supreme Court, the late Ewald Thomm, had a much higher percentage of votes for reversal of death sentences.

Fact two: In 55 out of 58 capital cases that came before Judge White—that is 95 percent of the time—he ruled the same way as at least one of his Ashcroft-appointed colleagues. Judge White disintegrated in only seven out of 58 death penalty cases, and he was the sole dissenter in only three of those cases. The other four times, one or more of the Ashcroft judges agreed with Judge White that the defendant was entitled to a new trial or a new sentencing hearing.

In leading the campaign to defeat Judge White, Senator Ashcroft specifically criticized just three cases in which Judge White filed a lone dissent. In each case, Judge White's dissents were well-reasoned and entirely defensible. The first and the most obvious case was a 1996 case called State v. Damask (936 S.W.2d 565), which raised the issue of the constitutionality of drug interdiction checkpoints in two Missouri counties. Police officers dressed in camouflaged suits similar to the Minotar case in the dark of night at the end of a lonely highway exit ramp and looking for evidence to allow them to search their vehicles for drugs. These stops were challenged by some motorists as a violation of the Fourth Amendment, prohibition against unreasonable search and seizure, but the Missouri Supreme Court decided that these were constitutional law enforcement procedures.

Judge White faithfully followed the law in striking a reasonable balance between the freedoms that we all enjoy as motorists and the interests of law enforcement.

Senator Ashcroft has stubbornly refused to retract his criticism of Judge White's dissent in Damask, notwithstanding the subsequent decision by
the U.S. Supreme Court vindicating Judge White’s position. Instead, Senator Ashcroft in his responses to written questions mischaracterized the facts of Damask, claiming that “the police had created a checkpoint designed to identify those who could be turned in a way to justify individualized suspicion.” As is clear from the majority decision, however, the police in Damask stopped all motorists who approached the checkpoint, without any individualized facts linking the motorists to the checkpoint. Even a retraction by Senator Ashcroft virtually identical to the fact in the Missouri case in which Judge White dissented.

One would think that any Senator who characterized as “procriminal” a position taken by Justices O’Connor and Kennedy, among others, would be embarrassed and quick to apologize. Yet we have yet to hear an apology or even a retraction by Senator Ashcroft on this point.

The other two dissents that Senator Ashcroft cited as evidence of Judge White’s “procriminal” tendencies were filed in death penalty cases: State v. Johnson, 968 S.W.2d 123 (Mo., 1998), and State v. Kinder, 942 S.W.2d 313 (Mo., 1996). Both cases involved the shooting murders, and we heard a lot about those murders at the hearings. While my heart goes out to the victims, I am troubled by the implication of many of my Republican colleagues that those accused of particularly egregious and shocking murders (and we heard a lot about those murders at the hearings. While my heart goes out to the victims, I am troubled by the implication of many of my Republican colleagues that those accused of particularly egregious and shocking murders (and we heard a lot about those murderers at the hearings.)

In his first day of testimony, Senator Ashcroft stated, in response to my questions, that he had opposed Bill Lann Lee, President Clinton’s nominee to the Southern District of Minnesota, on the basis that Lee was “procriminal.” The senator also stated that Lee’s opposition to the nomination of Judge Blackmun to the Supreme Court was, “he did not repeat the strict scrutiny standard of ‘narrowly tailored and directly related.’ . . . He stated another standard.” (Id. at 97). This is simply not true. When Bill Lann Lee testified before the Senate Judiciary Committee on October 22, 1997, he had the following colloquy with Chairman Hatch:

Chairman HATCH: Would you agree that Adarand stands for the proposition that State-imposed racial distinctions are presumptively unconstitutional and that proof that overcomes only by a strong basis in evidence of a compelling interest and should be narrowly tailored? Have I stated that pretty correctly?

Mr. LEE: Yes, and I agree with that.

Chairman HATCH: All right . . .

Moreover, when I asked Senator Ashcroft about Bill Lann Lee, he referred to the District Court’s decision on remand in the Adarand case, which found unconstitutional the contracting affirmative action program that is the subject of that litigation. He failed to note, however, that the Tenth Circuit has since reversed that decision, finding that the contracting program did in fact meet strict scrutiny. Adarand Constructors v. Pena, 238 F.3d 1147 (10th Cir. 2000).

To this day, I do not understand Senator Ashcroft’s opposition to the nomination of Bill Lann Lee, but I do know that the purported reason he gave at his own nomination hearing is simply not supported by the record.

At the hearing, Senator Ashcroft and the witnesses called on his behalf made claims about the diversity of his appointments to the state courts and his cabinet while he was Governor. These claims were clearly designed to rebut any inference that his actions and record with regard to presidential nominees such as Judge Ronnie White, Bill Lann Lee, and others, or his associations with Southern Partisan magazine, reflected any fundamental insensitivities on his part. Unfortunately, the claims made at the hearing about the diversity of Governor Ashcroft’s appointments do not withstand scrutiny when compared to either his Republican predecessor in the Governor’s office, Senator K. Bond, or his successor, Governor Mel Carnahan.

At the first day of the hearing, Senator Ashcroft stated: “I took special care to expand racial and gender diversity on the federal courts. I appointed more African-American judges to the bench than any governor in Missouri history, including appointing the first African-American on the Western District Court of Appeals and the first African-American Woman to the St. Louis County Circuit Court.” (1/16/01 Tr., at p. 98). He repeated these claims the next day. (1/17/01 Tr., at p. 57).

The claim of appointing more African-American judges than any governor in Missouri history is debatable. Governor from 1985 through 1992, John Ashcroft set a record at the time with eight African American appointments to the bench, 

The claim of appointing more African-American judges than any governor in Missouri history is debatable. Governor from 1985 through 1992, John Ashcroft set a record at the time with eight African American appointments to the bench,
but this is only when compared to his predecessors, who had appointed far fewer. His successor, the late Governor Mel Carnahan, appointed twenty. (St. Louis Post-Dispatch, 1/11/01).

Also, while technically correct that Governor Ashcroft appointed the first African-American on the Western District Court of Appeals, this was not the first African-American appointed to the appellate court in Missouri, as might be implied. Judge Ted McMillian was appointed by Warren Hearnes more than ten years earlier to the Eastern District Court of Appeals. (See The Notable Donald P. Lay, “The Significant Cases of the Honorable Theodore McMillian During His Tenure on the U.S. Court of Appeals for the Eighth Circuit,” 43 St. Louis U. L.J. 1269, 1270 (1999)). I point this out not to minimize Senator Ashcroft’s appointment of minority candidates, but simply to ensure that the record is not exaggerated.

Jennifer Missouri Labor Secretary, and Missouri Circuit Judge David Mason, both of whom had been appointed by Governor Ashcroft, testified in support of the nominee and applauded his record of appointments of African-Americans while he was Governor. Mason was the only African-American or minority to serve in John Ashcroft’s cabinet, which is made up of fifteen department directors, during his first four years. (1/18/01 Tr., at pp.179-181). In addition, the Missouri Citizens’ Council, which Judge Hunter described as “one of the oldest black bar associations in this country,” commended Governor Ashcroft in 1991 upon his appointment to the bench of an African-American female judge, this same organization, by letter dated January 12, 2001, has made clear that “this is not a nomination that we can support.” (Id., at p. 180).

Senator Ashcroft as Governor of Missouri claims to have taken “special care” of minorities as well, yet his record of appointments of women to the judiciary is “abysmal.” (1/18/01 Tr., at p. 60). He carefully testified that he named two women to the appellate court, the first in 1988; the other to fill the same position when the first woman moved up to the Supreme Court. He does not mention that this did not happen until nearly three years after he took office and only after front-page stories in local newspapers made Missouri lag behind most other states in the selection of women for judgeships.” (St. Louis Post-Dispatch, October 22, 1986), and a national survey by the National Women’s Political Caucus ranked Governor Ashcroft “near the bottom among state executives in appointments of women to Cabinet-level posts.” (St. Louis Post-Dispatch, October 24, 1986). By contrast, the same survey put Governors Madeleine Kunin of Vermont and Bill Clinton of Arkansas among the top ten states for the percentages of women in their cabinets. (Id.).

A study on the number of women appointed to the judiciary published in 1986 found that Missouri was one of only five states with intermediate appellate courts that had never had a female jurist above the trial court level. (Karen Tokarz, “Women Judges and Merit Selection under the Missouri Plan,” Missouri Law Review (1993) Quartely, 903, 916 (1986)). This study suggests that “the attitude of the chief executive may affect women’s access to the judiciary,” and cites as examples that the “explicit affirmative efforts” by Governor Bush in Missouri, and President Jimmy Carter to recruit women applicants correlate with increased numbers of women judicial appointees during their tenures.” (Id., at 942). By comparison, the study notes that at the time the article was written, then Governor Ashcroft had selected no women for the 19 judicial appointments he had made “nor has Ashcroft appointed any women for the nine interim appointments.” (Id.).

John Ashcroft’s low numbers of women appointed to the judiciary were not due simply to a failure to have women’s names recommended by nominating commissions. Press accounts report that women candidates appeared on panels presented to then-Governor BOND; the incidents reported, he appointed men. (St. Louis Post-Dispatch, March 20, 1988). Moreover, as Governor, John Ashcroft did even more poorly with so-called “interim appointments” of judges outside the Governor’s control. Where governors have free rein and are not limited by the recommendations of a selection panel. In two terms, Governor Bond had named eight women out of 77 interim appointments. Governor Ashcroft named only two women out of 57 interim appointments. (“Report on the Missouri Task Force on Gender and Justice,” 58 Missouri Law Rev. 485, 688 n. 746 (1993)).

In short, Senator Ashcroft deserves credit for increasing women to judicial posts, but the amount of credit he should be given depends on the context. John Ashcroft named only eleven women out of 121 judicial appointments during his eight years as governor. Id. at 702, Table I. Not only did his successor appoint nearly three times that number in the equivalent time period but this number was even surpassed by his predecessor, Governor Bond, who appointed twelve women during two terms. (58 Mo. Law Rev. at 702, Table 1).

Governor Ashcroft’s testimony on the diversity of his appointments is technically accurate, but in my view was misleadingly framed to portray him as a leader on diversity. In truth, the record shows little evidence of urgency or strong advocacy for diversity. Both his actual record and the manner in which he portrayed it to the Committee are troubling.

John Ashcroft has engaged in a pattern of uncriticalatory and impenetrable language to question the authority and legitimacy of the United States Supreme Court and lower federal courts in a way that raises serious concern in my mind about his suitability for the job of Attorney General and whether he is the appropriate role model for the job of the Nation’s chief law enforcer. Worse, while sworn to uphold the Constitution, he has staunchly upheld his words and actions for Supreme Court precedent by sponsoring legislation both in Missouri and in the U.S. Senate that is patently unconstitutional.

John Ashcroft has taken many opportunities to bash the federal judiciary and several public engagements he has chosen to attack the decisions of federal courts. (Speech to the Claremont Institute, Los Angeles, California, October 13, 1997, available through www.claremont.org; Appearance on “Jay Sekulow Live” Radio Show, July 24, 1998, available through www.jaylive.com.) The most extreme example of Senator Ashcroft’s rhetorical attacks on the Supreme Court is the speech he gave in March 1997 to both the annual meeting of the Conservative Political Action Conference and to the Heritage Foundation. In “Courting Disaster: On Judicial Despotism In the Age of Russell Clark,” he characterized the Supreme Court’s landmark abortion decisions in Roe v. Wade and Casey as “illegitimate.” He called the Justices who struck down an Arkansas congressional term limit law “five ruffians in robes,” and said that they “stole the right of self-determination from the people.” He asked, “have people’s lives and fortunes been relinquished to renegade judges, a robe, contemptuous intellectual elite fulfilling Patrick Henry’s prophecy, that of turning the courts into, quote, ‘nurser[ies] of vice and the bane of liberty?’” He also said “We should enlist the American people in an effort to rein in an out-of-control Court.”

The “five ruffians in robes” to whom Senator Ashcroft referred are members of the Rehnquist Supreme Court, which is a most conservative court—sometimes activist but decidedly conservative. I have heard Justice Anthony Kennedy and Justice Ruth Bader Ginsburg called many things but never “ruffians.”

I find this sort of rhetoric deeply troubling. I certainly understand disagreement with a Supreme Court decision. Lately, I have found myself strongly disagreeing with a number of decisions by the Court. I took strong exception to the Court’s intervention in Bush v. Gore, but having noted my disagreement in respectful terms, I said that I accepted the Court’s decision, and believed that all Americans should do the same.

When I asked Senator Ashcroft about these comments, he did not disparage them but simply noted that “I don’t think it’ll appear in any briefs.” (1/17/01 Tr., at p. 263). I think it would also hope that a public official sworn to uphold the Constitution would not go running around denying
the legitimacy of Supreme Court decisions that, in our constitutional system, are the ultimate authority on what the Constitution means.

These comments raise serious issues about a fundamental qualification for the job of Attorney General: Senator Ashcroft’s ability and readiness to discharge the obligatory oath to uphold the Constitution.

Senator Ashcroft’s legislative career is now in this regard, because it is true, as Senator Ashcroft stressed, that a Senator’s legislative role is different from an Attorney General’s law enforcement role, both take the same oath to uphold the Constitution, so the one is not irrelevant to the other.

As a Senator, John Ashcroft displayed little reverence for the Constitution as written and as interpreted by the Supreme Court. It is, of course, the privilege of Senators to propose constitutional amendments, but in his one six-year term here, Senator Ashcroft stood out among his colleagues in his eagerness to amend the Constitution whenever its terms dictated that he did not like Roe v. Wade, so he sponsored a Human Life Amendment, which would have banned all abortions except where necessary to protect the life of the mother. He did not like the way the “five ruffians in robes” interpreted the Constitution in the Term Limits case, so he sponsored Term Limits Amendments. In total, Senator Ashcroft sponsored or supported constitutional amendments on no less than eight different topics in his six years in the Senate.

That is a distinctly un-Madisonian record. James Madison told posterity that constitutional amendments should be limited to “certain great and extraordinary occasions.” Madison’s wise counsel, like the Constitution itself, has stood the test of time: the Constitution has only been amended 17 times in the past 200 years. But John Ashcroft, in James Madison’s words, has “interpreted the spirit of Article V, the Article governing the amendment process. Indeed, he even introduced a proposed amendment, supported by no other Senator, to change Article V itself. In a Dallas Morning News article dated January 17, 1995, he was quoted as saying that he wanted to “swing wide open the door” to let the States decide on new amendments. His proposed amendment would have done so. Even more than amendments he supported, Senator Ashcroft’s amendment to Article V would have severely cut back on the constitutional role of Congress, by allowing bare majorities in three-quarters of the States to amend the Constitution even if a majority of Congress disagreed. This radical proposal sits in stark contrast to the claim Senator Ashcroft makes today—in his response to my written question—he says that his efforts to amend the Constitution are “a fundamental respect for the Constitution and for the mechanism that that documents for altering the text.”

More troublesome is Senator Ashcroft’s record of introducing unconstitutional legislation, particularly in the area of reproductive rights. In both Missouri and in the U.S. Senate, Senator Ashcroft has been an unabashed advocate of banning abortion in all circumstances, except to save the life of the mother, even though this position runs directly counter to the fundamental rights set forth in Roe v. Wade. He has also been an unabashed critic of the constitutional amendments, but in his eagerness to amend the Constitution as written and as interpreted by the Supreme Court whenever its terms dictate that, he has even introduced a proposed amendment, supported by no other Senator, to change Article V, the Article governing the amendment process. In fact, he even sponsored the legislation, which would effectively increase the complexity and volatility of this issue, he made no effort to develop a consensus but instead indicated that the group that would have been unable to have “drawn-out hearings” and he only appointed members who shared his ardent anti-abortion views. This was a polarizing action. Indeed, legislative leaders declined to nominate members to the task force, saying it was going to end up stacked anyway in favor of one side of the issue.” (St. Louis Post-Dispatch, August 9, 1989).

A chill reminder of stringent State anti-abortion laws in effect before Roe v. Wade, Missouri Attorney General Ashcroft reminded that:

We had a law which specified that abortion be defined as a method of birth control, and “to prevent having a child not desired to be wanted by the mother or father.” No exception for rape or incest was allowed. To add to the burdens on a woman seeking an abortion, this legislation would have required a pregnant woman to file an affidavit stating the reasons for the abortion, apparently subjecting her to criminal liability for perjury if she did not fully disclose in a bill that was not to be an abortion facility her most personal, confidential reasons for exercising her right to choose. Furthermore, the bill would have also allowed the spouse or father of the “unborn child” and the state Attorney General to intervene in court to stop the abortion. This extreme legislation failed in the state legislature because it lacked an exception for cases of rape and incest. (St. Louis Post-Dispatch, March 28, 1991).

When I consider the moral, ethical and religious dilemma that parents face when they learn that a pregnancy is multiple and that the best chance for normal, healthy births may be to have...
selective fetal reduction, I shudder at proposed legislation that would make such a difficult decision a criminal one.

More disturbing is Senator Ashcroft’s effort, as part of his confirmation evolution, to distance himself from this legislation. He acknowledges in response to my written questions that Missouri Senate Bill 339 might not be constitutional, but asserts that (1) he had “no specific recollection of the bill”; (2) he did not fully understand the terms of this legislation, when the bill was being debated in the Missouri legislature. He has cosponsored the so-called “Human Life Act,” which states that “the life of each human being begins at fertilization.” This legislation would not only ban all abortions, but also have the effect of outlawing the most common forms of contraception, including the birth control pill and the IUD.

At the nomination hearing, I asked a panel of witnesses that included both supporters and opponents of this nomination, and was composed largely of experts on reproductive rights issues, whether anyone disagreed that the Human Life Act was patently unconstitutional on its face. No one expressed disagreement, or disputed me when I said, “I’ll take it by your answers, everybody feels it’s unconstitutional.” (1/18/01 Tr., at p. 80).

In response to my written questions, Senator Ashcroft has now conceded, as part of his confirmation evolution, that, as introduced, the Human Life Act of 1998 was “not constitutional under Roe and Casey.” Thus acknowledging that while sworn to uphold the Constitution, he knowingly proposed unconstitutional legislation. His explanation— “I thought that [the legislation] had the potential to promote a discussion that could have led to the passage of legislation that would have been constitutional under Roe and Casey” —is inconsistent with his statement on introduction of the bill: “I believe that the Human Life Act is a legitimate exercise of Congressional power under Section Five of the Fourteenth Amendment.” (CONGRESSIONAL RECORD. 6/5/98, S5697).

There is no doubt that John Ashcroft’s support for unconstitutional legislation limiting reproductive rights stems from his genuine and heartfelt antipathy for the woman’s right to choose—her right to choose not only whether to be pregnant but also the reproductive rights which best suit her. Limiting access to contraceptives is, for me, a significantly troubling aspect of John Ashcroft’s record.

For example, when he testified before the Senate in 1981, opponents of the Helms-Hyde bill at issue made clear that an important consequence of a law mandating that life begins at conception would be to permit states to ban multiple forms of popular contraceptives. One expert physician explained, “[T]his bill, if enacted into law, will not only unconstitutionally em-ployed contraceptives as certain birth control pills and intrauterine devices because these forms of birth control prevent implantation into the uterus of the fertilized ovum that has, by legal decree, been made a person.” (Hearings on S. 158 Before the Subcomm. on Separation of Powers, Senate Comm. on the Judiciary, 97th Cong., supra, at p. 51, testimony of Dr. Leon Rosenberg).

Finally, Senator Ashcroft is wrong when he says the bill did “not prevent abortion attributable to rape, incest or a ‘finita diagnosed health problem’.” Emphasis in original). Each of these assertions is, for me, a significantly troubling aspect of John Ashcroft’s record.

First, Senator Ashcroft’s failure of recollection about this legislation is difficult to credit. In his State of the State Address on January 9, 1990, he issued a statement saying, “Today I am proposing that Missouri ban abortions for birth control, sex selection, and racial discrimination. Missourians reject multiple, birth control abortions. . . I am grateful for these proposals and I would re-}
separate, to protect the religious beliefs of all of our citizens from government interference, and to protect the rights of those who do not believe. This obligation means that any use of religious organizations to provide social services must be structured with extraordinary care, and that there be separation between proselytizing and charity. John Ashcroft has been a leading proponent of the most extreme "charitable choice" policies, under which religious organizations would not even have to avoid religious proselytizing while distributing federal benefits.

His deference to religious groups is such that, as Governor, he even opposed laws aimed at ensuring that church-run day care centers met the same basic health and safety requirements (e.g., smoke detectors and fire exits) that applied to all other day care centers because, as he put it in his response to my written questions, of his need to protect religious institutions from excessive entanglements with government." Missouri was one of a small group of States that did not apply ordinary health and safety requirements to day care centers run by religious organizations. (St. Louis Post-Dispatch, June 13, 1985). Nevertheless, John Ashcroft threatened to veto bills aiming to apply these requirements. (UPI, December 3, 1984). The extremeness of this position was demonstrated by the Koszian Administration, Dunn, who recounted how a move to apply safety regulations to religiously-run child care centers in Texas were opposed by only three out of 600 such centers (1/19/01 Tr., at p. 79).

Senator Ashcroft has also not been forthcoming in response to straightforward questioning concerning his views of the Supreme Court's First Amendment jurisprudence. He told the Christian Coalition in 1998 that a robed society had taken the wall of separation built to protect the church and made it a wall of religious oppression." But when I asked him in writing to specify which court decisions he was referring to, he offered no response. Similarly, I asked him about his attitude toward the Supreme Court's 1987 decision in Edwards v. Aguillard, which held that States may not forbid the teaching of evolution when "creation science" is not also taught. He would not say whether he agreed with the decision or not, and he would not provide any examples to support his 1997 claim that "over the last half century, the federal courts have usurped from school boards the power to determine what a child can learn."

"John Ashcroft presents himself as a man of great certitude—we did not hear any regret from him during his testimony about his appearance at Bob Jones University, his interview with Southern Partisan magazine, or his reference to fox hunting. A former Missouri legislator who was voted down by a Senate Committee as one of the earliest standing Committees, chaired initially by Senator Dudley Chase of Vermont. It was not until 1868 that the Senate began regularly referring nominations for Attorney General to the Committee. In the 1789 Senate, these confirmation hearings have become an increasingly important part of the work of the Committee..."

After the Senate rejected the nomination of Charles Warren, President Coolidge nominated John Sargent, a distinguished lawyer from Ludlow, Vermont, who was immediately confirmed and was the only Vermonter ever to serve as the Attorney General of the United States.

It has been more than 25 years since a Senator was nominated to be Attorney General. Senator William Saxbe of Ohio resigned his Senate seat in 1974 to pick up the reins of the Justice Department in the aftermath of Watergate, at a time that saw two prior Attorneys General indicted toward the end of the Nixon Administration. It has been more than 130 years since a President has chosen to nominate a former Senator as his bid for re-election to the United States Senate to be Attorney General. It is not since President Grant nominated George Williams to be Attorney General in 1871 that we have had a former Senator nominated to the post after being rejected by the people of his home State.

The position of Attorney General is of extraordinary importance, and the judgment and priorities of the person who serves as Attorney General affect the lives of all Americans. The Attorney General is the lawyer for all the people and the chief law enforcement officer in the country. Thus, the Attorney General not only needs the full confidence of the President, he or she needs the confidence and trust of the American people. All Americans need to feel that the Attorney General is looking out for them and protecting their rights.

The Attorney General is not just a ceremonial position and his or her duties are not just administrative or mechanical. Rather he or she controls a budget of over $20 billion and directs the activities of more than 133,000 attorneys, investigators, Border Patrol agents, deputy marshals, correctional officers and other employees in over 2,700 Justice Department facilities around the country and in over 120 foreign cities. Specifically, the Attorney General supervises the selection and actions of the 93 United States Attorneys, the U.S. Marshals Service and its offices in each State. The Attorney General supervises the FBI and its activities in this country and around the world, the INS, the DEA, the Bureau of Prisons and many other federal law enforcement components.

The Attorney General evaluates judicial candidates and recommends judicial nominees to the President, advises on the constitutionality of bills and laws, determines when the Federal Government and an individual, business or local government, decides what statutes to defend in court and what arguments to make to the Supreme Court, other federal courts and State courts on behalf of the United States Government. The Attorney General exercises broad discretion, largely unreviewed by the courts and only sparingly reviewed by Congress, over how to allocate that $20 billion budget and how to distribute billions of dollars a year in law enforcement assistance to State and local government, and coordinates task forces on important law enforcement priorities. The Attorney General must also set those priorities, and may take action which cases to compromise or settle. A willingness to settle appropriate cases once the public interest has been served rather than pursue endless, divisive, and expensive appeals, as John Ashcroft did in the Missouri desegregation cases, is a critical qualification for the job.

There is no appointed position within the Federal Government that can affect more lives in more ways than the Attorney General, and no position in the government more politicized by one who puts ideology and politics above the law. We all have a stake in who serves in this uniquely powerful position and how that power is exercised.

We all look to the Attorney General to ensure even-handed law enforcement; equal justice for all; protection of our basic constitutional rights to privacy, including a woman’s right to choose, to free speech, to freedom from government oppression; and to safeguard our marketplace from predatory and monopolistic activities, and safeguard our air, water and environment.

As I said at the confirmation hearings for Edwin Meese to be Attorney General, “[w]hile the Supreme Court has the last word on what our laws mean, the Attorney General has often more importantly the first word.”

In addition, the Attorney General has come to personify fairness and justice to people all across the United States. Over the past 50 years, Attorneys General Robert Kennedy and Robert Kennedy helped lead the effort against racial discrimination and the fight for equal opportunity. The Attorney General has historically been called upon to lead the Nation in critical civil rights issues, to unite the Nation in the pursuit of justice, and to heal divisions in our society. America needs an Attorney General who will fight for equal justice for all and win the confidence of all the people, not one with a record of missed opportunities to bring people together.

I do not have the necessary confidence that John Ashcroft can carry on this great tradition and fulfill this important role. Therefore, I cannot support his nomination.

Mr. President, I yield the floor and suggest that a quorum is present.

The PRESIDING OFFICER (Mr. Bingaman). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, several weeks ago, Senator Specter and I had the unique privilege to represent our nation and this body during a visit to Germany, the Federal Republic of Yugoslavia, Bosnia, Egypt and Israel.

While in these nations, we were able to meet with a number of government and non-governmental leaders who familiarized us with the current situation in southeastern Europe and the Middle East.

I found our discussions with these leaders to be extraordinarily educational and highly productive, and their insight helped us assess the broad spectrum of issues that shapes both of these volatile regions of our globe.

Our first stop was in Munich, Germany where Senator Specter and I spoke with members of the U.S. Embassy about trade, security and foreign policy issues facing the United States and Germany.

We also met with a number of leaders of the Munich business community to talk about trade issues affecting the United States and the European Union, (EU). Specifically, we discussed steel, bananas, and genetically-modified beef—all issues currently dominating our trade relations.

We further spoke about the deployment of the National Missile Defense system, our commitment to the ABM Treaty and the concern in the United States and Germany that the Europeans are moving away from their commitments to NATO.

Our second stop was in Belgrade, Yugoslavia. It was my first trip to Yugoslavia in many years; since before Milosevic came to power. I had been asked to go many times—even by the Patriarch himself—but I said that I would not go until Milosevic was no longer in power. I had taken the same view with regards to Croatia; I would not go there until Tudjman was gone.

The fact that in the last year I’ve visited both Croatia and Yugoslavia says a lot about the change that has happened.

And I am proud of the fact that I was the first member of the House or Senate to visit Croatia’s new president, Stipe Mesic, and that Senator Specter and I were the first U.S. elected officials to fly into Yugoslavia and congratulate President Kostunica.

It is important for the American people to know that our efforts in southeastern Europe are paying dividends for the cause of democracy, the
We had a detailed discussion about the latest peace plan put forward by President Clinton, Egypt’s role in the peace process, and the comparative positions of the Israelis and Palestinians.

During the meeting, we encouraged President Clinton’s peace initiative, and requested he urge other Arab leaders to support the peace initiative in Israel.

From Israel, we went to meet with Ehud Barak and Ariel Sharon and other leaders to discuss the fragile peace process.

Mr. Peres felt that economic cooperation is a key to conflict resolution, believing that if people have something to lose in war or violence, they will be less likely to fight. We also discussed the issues of the day in the negotiations—the Temple Mount and refugee returns.

Mr. Barak expressed his disappointment at the failure of various peace initiatives, and concern that the Palestinians may be learning the wrong lesson: that continued violence strengthens their negotiating position.

He expressed the opinion that violence is slowing the peace process and strengthening the negotiating position of the Israelis. Mr. Barak was hopeful that negotiations would continue throughout this transition and yield to Israeli elections. Thank God they have.

We then met with Ariel Sharon, and immediately discussed his controversial visit to the Temple Mount last September and the impact it had on the peace process. I indicated that many Americans felt it was inflammatory.

Mr. Sharon explained that his visit was a normal event and that every Israeli citizen has the right to visit the Temple Mount because of its religious significance. Evoking images of Rich- ard Nixon, he further stated that he was the only candidate for Prime Minister who could reach a true peace agreement with the Palestinians.

After my meeting with Mr. Sharon, I joined U.S. Consul General Ron Schlicher for a dinner discussion with Faisal Hussein. Hussein is a leading figure in the Palestinian community. We had a lengthy discussion regarding the ongoing violence and tensions in Israel, prospects for peace, and the Palestinian perspective on the last 50 years.

The next day, I also met with Mr. Jawdat Ibrahim, a young Palestinian businessman who was deeply interested in the peace negotiations. I was interested in his view—and through him, the Palestinian view—on current events. Our discussion was interesting and it added an important perspective to my trip.

Mr. President, at this time, I ask unanimous consent that a longer statement outlining many of the observations that I was able to make over the course of my trip be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. VOINOVICH. Mr. President, one of the true benefits of traveling overseas is that it gives lawmakers an opportunity to see first hand the political, social, and economic conditions of nations that many of us only read about in the papers or see on the nightly news.

It also allows us to see how these conditions in one part of the world can have a profound impact on an entirely different part of the world.

So it was with my trip to the Middle East, where I was able to see how events there have a direct effect on events in the United States. Many people in our nation do not realize this, but there actually is an “interconnectedness” of issues between nations that sometimes we don’t think about.

One thing that I have thought a lot about since my visit is just how much the “on-again/off-again” peace process in the Middle East impacts our nation’s energy policy, particularly as it relates to our national security.

While I was in Israel, I met with Richard Shotenstelin, the Managing Director of the Ohio Department of Development’s European Regional Office, an office I created as Governor of Ohio.

He told me that the tensions surrounding the ongoing Middle East crisis have dramatically lessened the interest of Ohio companies in business opportunities in the region.

He also indicated that there is a growing anti-Americanism, largely seen in boycotts, spreading throughout the Arab world, where many view the U.S. and Israel as intimately linked. Thus, anti-Israel trends become anti-American trends.

This should be a concern of every American given the fact that today, the United States is more dependent on foreign oil than at any other time in history.

In 1973, at the time of the Arab oil embargo, we imported 35 percent of our oil to meet our domestic needs. Today, that number averages 58 percent and it is estimated that we will be importing 65 percent of our oil by 2020.

Unless we address our own domestic energy needs and become less dependent on foreign oil, we may be held to the whims of the OPEC nations, and indirectly, to the vagaries of the Arab world—particularly in Iraq, arguably our nation’s biggest enemy.

On January 17, the New York Times reported that the OPEC nations were going to reduce oil production by 1.5 million barrels per day. Although this will likely drive up prices, the real problem to watch for is what Iraq will do.

According to the article:

If Iraq indeed keeps exports to a trickle, Saudi Arabia—as the biggest producer in OPEC and its de facto leader—may feel compelled, as it has intermittently over the last year, to increase its own output to make up for the OPEC supply cut. The U.S. might be able to replace only part of the oil that Iraq took off the market.
I shudder to think how Iraq would use its influence should they gain a more dominant role in the production of crude oil in the Middle East.

It is one of the major reasons why a lack of a reliable supply of energy should be of great concern to all Americans.

Consider the rolling electricity blackouts that California is now experiencing. Consider also natural gas prices which are expected to skyrocket 70 percent by the end of winter according to the projections by the Department of Energy.

Add in the fact that home heating oil prices have already jumped by 40 percent and more, not to mention high gasoline prices, and it should become crystal clear that our country’s lack of a renewable energy policy must be addressed.

Since at least the mid-1970’s, Congress and presidential administrations of both parties have been unwilling, unable and unmotivated to implement a long-term energy policy.

As I have stated, the United States relies on more foreign sources of oil than at any other time in history. However, even if we wanted to increase the supply of crude oil in this country, there has not been a new refinery constructed in 25 years due, in part, to changes in U.S. environmental policies.

Additionally, 36 refineries have closed since the beginning of the Clinton administration, in part, because of strict environmental standards.

Last year, the existing refineries were running at 95 percent capacity or higher for much of the year. With our refineries running at these levels, even if a greater oil supply was available, there would be no capability for refineries to turn it into useful products.

As a result, we must currently rely on overseas supplies at an astronomical cost and with no assurance of sustained stability. Until new refining capacity is available, even minor supply disruptions will continue to lead to drastic increases in fuel prices. No one has dared contemplate what would happen should major disruptions occur.

In addition, natural gas heats 56 million American homes and provides 15 percent of the nation’s electric power, for nearly one-quarter of our energy supply.

Because natural gas burns so cleanly, it is easier to obtain the environmental permits necessary to build natural gas-run energy plants. Thus, it is easy to see why virtually all new electric generation plants that are currently being built will use natural gas for fuel.

The popularity of natural gas is good for the air we breathe, but the high demand for it is beginning to pinch the pocketbook, resulting in soaring costs. We should not forget that other energy resources are available which can provide additional sources of clean, low-cost power.

New technologies are making coal an increasingly cleaner source of electricity. We should not forget this valuable, abundant natural resource—with an estimated domestic supply of 250 years—as we move forward with an energy policy that not only protects our environment, but also continues to meet consumer’s needs for power.

I do so because the bill introduced in the National Electricity and Environmental Technology Act, introduced last week by Senator Byrd. His bill creates research and development programs that provide incentives for developing clean-coal technologies in the U.S.

As my colleagues know, if we are to decrease our dependence on foreign energy sources, research and development will be important to ensure that coal can remain a viable energy option in the future.

During this energy crisis, it is critical that we restructure our country’s disjointed energy policy into a national plan that is comprehensive, cohesive and cost-effective.

Last year, the Majority Leader and Senator Mukowski introduced legislation to address many of these problems. I was proud to be an original cosponsor of that legislation in the 106th Congress. As a result, the Chairman of the Senate’s Energy and Natural Resources Committee, Senator Mukowski’s bill when he introduces it this year.

In addition, Senator Mukowski and I sat down last week to discuss the role that environmental regulations play in our energy policy. We agreed that it is imperative that we work to harmonize our environmental and energy policies so that clean, affordable and reliable energy can be made available to all consumers.

To help accomplish this goal, we both agreed that the key to a comprehensive energy policy will rely on environmental regulations that, while protecting public health and the ecosystem, are based on cost-benefit analysis and science. As Chairman of the Senate’s Clean Air Subcommittee, it is something that I will work towards in the 107th Congress.

Finally, with the extreme cold weather we have experienced so far this winter compounding our current energy crisis, we need to encourage the President to provide more funding for the Low Income Home Energy Assistance Program—LIHEAP—to meet the pressing needs of those who are most vulnerable to skyrocketing energy prices. Certainly if we have a supplemental this is an emergency that needs to be addressed in that.

Under LIHEAP, states are required to use the Federal funds they receive to provide the greatest level of benefit to the greatest number.

That means in my State of Ohio, some 220,000 households are expected to be helped this year—10 percent more than last year—with each household receiving payments between $150 and $100 to help meet their energy costs.

Last week, along with a number of my colleagues, I asked the President to provide $300 million in emergency LIHEAP funds. Should he allocate these funds, it will help hundreds of thousands of low income families, seniors and the disabled get through our current energy crisis.

Our national security depends on our ability to guarantee a reliable energy supply. To do this, we must reduce our dependence on foreign oil, investigate alternative fuels and energy sources and ensure an adequate delivery and supply infrastructure.

At the same time we are developing this energy policy, we must insist that it does not result in diminishing our environment or public health. We cannot allow that to happen. We must continue to improve the environment and public health. It is a complex task, but one I know that we can accomplish if we work together on a bipartisan basis. We need to get the environmentalists, industry, and consumers—all of us in the same room talking to each other, so we can come up with a policy that is fair to everyone.

EXHIBIT 1

OBSERVATIONS IN SOUTHEASTERN EUROPE AND THE MIDDLE EAST, JANUARY 29, 2001

(By Senator George Voinovich)

On the morning of December 28, 2000, Senator Specter and I left Andrews Air Force Base for a 7 day assessment of the situation in Southeastern Europe and the Middle East and the prospect for peace in either region. The first leg of our journey consisted of an approximately nine hour flight to Munich, Germany. While this was scheduled for an overnight stay. Arriving late that evening, we were met by Consul General Robert W. Base, a Foreign Commercial Service officer. We had an interesting discussion about a variety of trade, security and foreign policy issues facing the United States and Germany.

The next morning, (December 29), Senator Specter and I met with a number of leaders of the local business community. We had an interesting conversation about a variety of trade concerns facing the United States and the European Union, EU. Specifically, we discussed the steel, banana, and genetically-modified beef issues currently dominating our trade relations.

When the conversation turned to technology, I was surprised to learn that the Germans are facing the same highly-trained information technology workers that our nation has been struggling with in recent years. This problem has been exacerbated by the growing number of entrepreneurs funneling venture capital into the high-technology sectors of the economy.

We also had an interesting discussion about the National Missile Defense policy. The business leaders we met with explained their deep concern that the United States’ commitment to an NMD system may create an anti-Nato sentiment. They were also concerned with our continued commitment to the Anti-Ballistic Missile Treaty, ABM Treaty, and indicated that their views largely reflected those of the German people.

Finally, we discussed the European Union’s, EU, European Security and Defense Policy, ESDP. Senatorate Voinovich stated it was clear that many Members of Congress are concerned that our European allies are moving away from their commitments to the North Atlantic Treaty, NATO. The group responded by explaining that the Europeans will continue to view NATO as...
the foundation of the trans-Atlantic relationship.

After the meeting in Munich, Senator Specter and I flew to Belgrade in the Federal Republic of Yugoslavia, FRY. Ours was the first American plane to land in Serbia since the Kosovo bombing campaign in early 1999. While the buildings in the central section of the city were abandoned due to bomb damage, I was generally impressed with the city’s landscape. It was clear that Belgrade was once the economic, political, and cultural heart of Tito’s Yugoslavia.

We immediately met with Vojislav Kostunica, the recently elected President of the Federal Republic of Yugoslavia, FRY. Ours was the first federally-elected official from the U.S. to meet with the man who topped Serbian President Milosevic in the recent elections. It was not lost on me that it took Yugoslavia less time to elect their new president than it did for us to elect the President of the United States.

The President sat down with us after completing a meeting with Boris Tadic, the President of the Former Yugoslav Republic of Macedonia, whom I personally had met last February during a visit I made to Croatia, Macedonia and Kosovo. The discussion President Kostunica had with Senator Specter and me was part of the progress that has been made in reintegrating the FRY into the international community after Milosevic’s downfall. In continuing the continuing political challenges, the humanitarian issues facing the people (including a lack of power, medicine and medical equipment), and the situation in Kosovo, the Presevo Valley and relations with Montenegro.

We spent a great deal of time stressing to President Kostunica the importance of cooperation with the United Nations on the International Criminal Tribunal for the Former Yugoslavia, ICTY or the Hague. We made it clear that Congress will demand significant progress in the cooperation. Unless there are signs that the cooperation is continuing, there will be no international assistance to continue to be made available to the FRY. We also highlighted the view of many in the U.S. that Milosevic must be brought to justice for the crimes he committed against humanity in Bosnia and Kosovo; specifically, that he be brought to the Hague.

In response, the President indicated that he was very aware of American concern over the war crimes issue, and that he shared our concern. However, he pointed to a different Milosevic. Milosevic is thought to have stolen over $1 billion from the people of Serbia during his rule, ordered the murder of many of his political opponents and is now in jail for the manipulation of the results of several elections, among other crimes.

President Kostunica made it clear that the Serb people want him to be held accountable for his crimes against the Serb people before he faces any international court or charges for war crimes. He also indicated that a domestic trial would begin to show to the people what horrors were committed against human dignity in Serbia.

He also made clear it that their efforts to reinvigorate the economy, attract foreign investment and begin to address the nation’s debilitated infrastructure would not likely be successful in the short-term. He explained that Milosevic’s rule had left the economy in such a shambles that they were only now beginning to pick up the pieces. And we stressed the traditional Balkans temptation to fill key jobs in the new government with family, friends and political allies. Given the troubles he faces, we noted that the time to act is now.

I expressed to President Kostunica the traditional Balkans temptation to fill key jobs in the new government with family, friends and political allies. Given the troubles he faces, we noted that the time to act is now.

The discussion largely focused on the same subject matters discussed with President Kostunica—reintegrating the FRY into the international community after Milosevic’s downfall. In dealing with the continuing political challenges, the humanitarian issues facing the people (including a lack of power, medicine and medical equipment), and the situation in Kosovo, the Presevo Valley and relations with Montenegro. We also discussed in detail the war crimes issue and America’s strong interest in seeing some progress in this area. I found Mr. Djindjic to be well-versed in all of these matters and largely aware of the official American position on them.

Of the various matters covered, the issue of Montenegro’s relationship with Serbia was discussed in the most detail. Mr. Djindjic’s passion for retaining the existing structure of Yugoslavia and his concern for the performance and cooperation of the prime minister of Serbia is great. As Mr. Djindjic indicated, the Montenegrin prime minister is a good friend of his and he plans on working with him. The situation in Kosovo, the Presevo Valley and relations with Montenegro.

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During the meeting, Mr. Djindjic indicated that in response to the popular will of his citizens, he may be forced to hold a referendum on Montenegrin independence in the next few months. Mr. Djindjic indicated that such a move would create a crisis between Montenegro and Serbia and that the situation in Kosovo would have the potential to have a broader regional impact.

I then traveled to the Ministry of Foreign Affairs for a meeting with Foreign Minister Goran Svilanovic. Again, in an effort to be consistent in my message to the new government, I explained in detail the importance of cooperation with the International Criminal Tribunal, (The Hague). The Foreign Minister’s response echoed that of the President and Mr. Djindjic.

I was pleased to know that Mr. Svilanovic is pushing EU membership as a long-term goal for the FRY. To that end, he plans on discussing EU membership in the near future. I have traveled to several European capitals and have explained the various issues facing his country, their plans to address them, and their long-term agenda. I am hopeful that he will be able to convince his officials that a focus on EU membership will encourage changes within the FRY that will further in-
young men and women who serve their country, not just in Southeastern Europe, but all over the world.

Senator Specter and I then rode along with some of the young soldiers who patrol the mountains and patrol through the area. It quickly became clear to me that General Sharp's comments about the morale and performance of his people were accurate.

Although some of the scenery looked very peaceful, it belied incredible tension in the area. I asked a couple of the young soldiers with whom I was talking what they thought would happen if the United States were to pull out of the region. They answered in a way that illustrated why the hostilities between the Serbs, the Croats and the Muslims would almost immediately resume.

Their assessment made it clear how important it is to maintain an ongoing international military presence in Southeastern Europe for at least the immediate future. After our tour, we returned to Belgrade for more meetings.

We met with Momcilo Grubac, the Federal Minister of Justice at the Federation Palace. Mr. Grubac expressed his total commitment to the rule of law. He explained that his first task will be to modernize the legal framework within the FRY to bring it into line with international standards. He was quick to point out that the years under Milosevic had set the country and its people behind in this area.

Again, I made it very clear the importance of cooperation with the international community on war crimes. As expected, his comments largely reflected those of President Kostunica. However, he did indicate that the FRY will no longer harbor indicted war criminals. He added that an international tribunal with which Milosevic would be important to further establishing democracy in the FRY.

We then traveled to the Federal Parliament Building where we met with Dragoljub Micunovic, the President of the Chamber of Citizens, and a number of other leading parliamentarians. On the war crimes issue, Mr. Micunovic agreed that accountability must be established to remove the sense of collective guilt that is beginning to become more and more prevalent in the FRY. Specifically, he stated that his strong belief that Milosevic would be tried domestically and by the international community if there were evidence to support charges.

Senator Specter and I then joined Mr. Micunovic at a press conference to discuss our meeting and our general impressions from our visit to Belgrade.

I explained my opinion about the bombing campaign, that I really believed that other diplomats and leaders should have been pursuing in dealing with Milosevic. I also explained that the U.S. not legitimizing Milosevic's leadership at Dayton, and not refused to support the movement in 1997, the situation could have been a lot different in Serbia. There could have been an earlier removal of Milosevic from office and avoided the kind of political vacuum that Milosevic would be likely to continue to support the peace initiative in Israel.

After meeting with President Mubarak, Senator Specter and I had a news conference where we indicated that we would send out a telegram encouraging other Arab leaders to come out publicly in favor of the initiative. We also announced that we would be urging President Clinton to meet with Chairman Arafat for the purpose of clarifying the details of the proposal and to keep the parties talking to one another rather than seeing the process fall apart to hurt the peace process. Later that day, we sent a telegram encouraging President Mubarak to support President Clinton's peace initiative, and that he should be speaking to leaders to support the peace initiative in Israel.

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The morning of New Year's Day (January 1, 2000), we met with President Hosni Mubarak at his presidential complex in downtown Cairo. We discussed in detail the latest peace plan put forward by President Clinton, Egypt's role in the peace process, and the comparative positions of the Israelis and Palestinians. During the meeting, we encouraged President Mubarak to support President Clinton's peace initiative, and that he should continue to speak to leaders to support the peace initiative in Israel.

Mr. Barak was hopeful that negotiations would continue through the American presidential transition and the Israeli elections. It was clear, however, that the continued violence was putting a great deal of pressure on him.

We then met with Ariel Sharon who was widely expected to defeat Mr. Barak in the upcoming elections for prime minister. We immediately turned to his controversial visit to the Temple Mount last September and the impact it had on the peace process. After the Sharon meeting, Senator Specter and I then visited with Prime Minister Ehud Barak. As my colleagues would expect, the peace process was the only matter discussed.

Barak expressed his disappointment at Camp David's failure and the various peace initiatives attempted since then. He also expressed his concern that the Palestinians may be learning the wrong lesson in recent months—that continued violence strengthens their negotiating position. Rather, he made it clear that violence is slowing the peace process and that he wants to be able to make it very clear to the Arab leaders that the initiative is his, and that his visit was inflammatory, that it did nothing to aid the peace process and that if elected Prime Minister of Israel, he would continue to use the initiative to make up for lost time. Mr. Sharon explained that his visit was a completely normal event and that every Israeli citizen has the right to visit the Temple Mount because of its religious significance. I also expressed my opinion that in visiting Israel for the sixth time in twenty years, the situation there was more critical and explosive than I've ever seen it.

We then discussed his plans for the peace process, should he be elected prime minister. He made a number of strong statements regarding his plans for the peace process. He argued that since only President Nixon could open the door to China, only he could come to a peace agreement with the Palestinians given his military background.

After the Sharon meeting, Senator Specter and I then visited with President Mubarak at his presidential complex in downtown Cairo. We discussed the issues facing the negotiators are incredibly complex.

We then traveled to the Knesset building where we had a series of meetings. We first met with Ron Schlicher for a dinner discussion with Faisal Husseini. Husseini is a leading figure in the Palestinian community. We had a lengthy discussion regarding the ongoing violence and the importance of a comprehensive solution. Husseini is a leading figure in the Palestinian community. We had a lengthy discussion regarding the ongoing violence and the importance of a comprehensive solution.
I thought it was important that I have a balanced understanding of the current situation in Israel and was pleased to have the opportunity to meet with Mr. Hussein.

The next day (January 2), I met with Ehud Olmert, the Mayor of Jerusalem, I met Mr. Olmert on my fourth trip to Israel in 1993. He indicated that one important task I was to retain Jerusalem's integrity during the course of the peace negotiations.

He also argued that the various plans being considered, including President Clinton's proposal, were fundamentally flawed on this point. He strongly believes that the people of Jerusalem, his constituents, will never agree to a divided city. I told Mr. Shotenstein, the Managing Director of the Ohio Department of Development's Eastern Mediterranean Regional Office, attended the meeting with Mayor Olmert.

Afterwards, I spoke with Mr. Shotenstein regarding the Office's recent activities. While there have been some great successes, he explained that the tensions surrounding the ongoing Middle East crisis have dramatically lessened the interest of Ohio companies in business opportunities in the region.

He also indicated that there is a growing anti-Americanism, largely seen in boycotts, spreading throughout the Arab world. This trend does not show signs of abating and is only likely to increase. He also argued that the various plans being considered are fundamentally flawed on this point. The next day (January 2), I met with Ehud Olmert, the Mayor of Jerusalem.

I was interested to see his view—and through him, the Palestinian view—on current events. Our discussion was interesting and it added an important perspective to my trip.

Later that day, I met with a group of Ohioans now living in Israel. After meetings with various cars and through their grassroots efforts, I wanted to have an opportunity to discuss the issues of the day with people whose lives are affected by the ongoing violence. The group made it very clear that there was a very real sense of fear living in Israel. Some described risking their life simply driving to and from work. Others feared that their car would explode when they started it every morning. Still others recounted phone calls from relatives living in America expressing concern about the safety of their grandparents. I cannot imagine living with this kind of fear.

The last day of the trip (January 3), I had a telephone conversation with Benjamin Netanyahu, while I was disappointed that he is no longer a main contender for Prime Minister. I think he is a great leader and I have great respect for him. I hope he can continue to play an important role in the region.

I am hopeful that the next visit to the region will be successful in promoting peace, stability and prosperity in these areas. We must never forget that both southeastern Europe and the Middle East are important to our national security and our nation's future.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

EXECUTIVE SESSION

NOMINATION OF ELAINE LAN CHAO, OF KENTUCKY, TO BE THE SECRETARY OF LABOR

Mr. THOMAS. Mr. President, I now ask unanimous consent the Senate proceed to executive session to consider the nomination of Elaine Lan Chao, of Kentucky, to be Secretary of Labor, notwithstanding the consent of January 24, 2001, that the time of the nomination be yielded back, and the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume the pending business.

Mr. REID. Mr. President, preserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, if I could say to my friends from Wyoming.

The PRESIDING OFFICER. The President is recognized.

Mr. REID. Also we have had experience working with Mrs. Chao before. She is a good administrator. She has been good to the State of Nevada in the past. I look forward to working with her as Secretary of Labor. I am sure she will do a good job.

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my support for Elaine Chao's nomination to be Secretary of Labor. Ms. Chao is a woman of impressive talents who has achieved a great deal in her career, both in and out of government. She is an accomplished manager and a graceful leader, and she has distinguished herself and her family by her strong commitment to public service.

She knows first hand the experience of minorities growing up in the United States, but that level today is not sufficient to provide the economic security that every working family deserves.
Another vital labor priority is training the nation's workforce to meet the demands of the new economy. I welcome Ms. Chao's assurance that "training, developing and modernizing America's work force is one of [her] highest priorities." I look forward to working with her to strengthen programs to address the needs of those in the workforce who are not adequately prepared. The bipartisan Workforce Investment Act, which Congress passed in 1998, reformed federal job training by creating a streamlined, one-stop approach to job training, and it was an important first step. But as more and more workers face mid-life career changes, and as even traditional occupations grow in complexity, better training for all workers—adults, dislocated workers and youth—is a necessity.

I was also encouraged by Ms. Chao's desire to see that "parents have an easier time balancing the responsibilities of work." Today's employees are working longer and longer hours to make ends meet. The result is significant new problems for businesses and families. I welcome Ms. Chao's recognition that the Family and Medical Leave Act has brought about a great deal of change in the workplace for families, and that "the need for flexibility." But we can and should do more to deal with these problems, and I am pleased by Ms. Chao's commitment to "keep an open mind" and to be "a real good listener" on further legislation.

We must also guarantee strong and effective enforcement of the federal laws against job discrimination. Current laws require non-discrimination and affirmative action. The landmark Executive Order issued by President Johnson in 1965 has been in effect for more than 35 years, under both Republican and Democratic administrations, and strong enforcement is still needed. In her opening statement at her confirmation hearing, Ms. Chao testified to her understanding that barriers based on gender, race, national origin and disability have prevented many of America's workers from achieving their true potential. She emphasized that she is "against discrimination of any sort, and will enforce the law as it is enacted." I hope this is an area where the Department and Congress can continue to make progress together.

Many of us have also long been committed to vigorous enforcement of laws and programs to protect workers' health. A particular contemporary concern is the prevalence of ergonomic injuries in the workplace. These injuries are the most significant workplace safety and health issue we face today. About 1.8 million workers report that they suffer ergonomic injuries every year. Another 1.8 million workers suffer such injuries that they do not report. These injuries are painful and often debilitating and disrupt sometimes end workers' careers. In the vast majority of cases, these injuries are preventable. The OSHA ergonomics rule went into effect at long last earlier this month. It offers vital protections to American workers, and it benefits employers too. Recent studies should lay to rest the suggestion by special interest groups that we should wait for additional scientific evidence to deal with these problems. Ms. Chao has called the ergonomics rule "the most visible issue" facing the Department of Labor, and she said she would give the issue the "greatest of her attention." I congratulate the Department of Labor on the increased attention it has given to this issue. I commend her recognition that "any change in our labor laws or in their interpretation must be carefully and solemnly considered, giving respectful and full attention to the views of every participant in the labor-management equation." I know that she will apply this understanding to the ergonomics rule, as well as to all of the other issues before the Department of Labor.

Finally, as we know, from equal pay for women and people of color, to pension and health care to the Family and Medical Leave Act, employees depend on the Department of Labor to ensure that the nation's labor laws are fully and fairly enforced. We in Congress have our own responsibilities, but I believe the Department has adequate resources to carry out these missions successfully.

I congratulate Ms. Chao on her nomination, and I look forward to working with her on issues of vital importance to America's workers. I hope that under her able leadership, the Department of Labor will be at the forefront of improving the lives of the nation's workers and their families, by ensuring that they have good jobs, good wages and safe and healthy places to work.

Mr. ENZI. Mr. President, I am thrilled that we are today confirming Elaine Chao as Secretary of Labor. As Chair of the Subcommittee on Employment and Workplace Safety and Health, I have been impressed with her commitment to improving the lives of the nation's workers and their neighborhoods. The Secretary of Labor's responsibility is to look out for the welfare of these men and women across our country. I am confident that Ms. Chao will be a great champion of these individuals, and I commend President Bush on selecting such an excellent nominee.

Ms. Chao brings to this important position a record of accomplishment both in the private and public sectors. Among other positions, Ms. Chao has served as president of the United Way, Director of the Peace Corps, Deputy Secretary of the Department of Transportation, and Chairman of the Federal Maritime Administration. Her experience as an executive and experience in finding solutions to complex problems with limited budgets, gives her a solid foundation to lead the Labor Department.

Mr. WARNER. Mr. President, I rise today to express my support for Ms. Elaine Chao to be Secretary of Labor. This Nation can be no stronger than the men and women who get up every day and accept the challenges to go out to work, provide for their families, and care for their families, themselves, and their neighborhoods. The Secretary of Labor's responsibility is to look out for the welfare of these men and women across our country, I am confident that Ms. Chao will be a great champion of these individuals, and I commend President Bush on selecting such an excellent nominee.
which I am now once again a member. Throughout her career, Ms. Chao has accepted the challenges that have confronted her and pursued her responsibilities with firmness, fairness, and always with a quiet dignity.

Ms. Chao will be a great leader at the Department of Labor, and I look forward to voting in support of her nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Mr. THOMAS. Mr. President, I would like to proceed, if I may, under the order. I believe this time is allotted to us.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

NOMINATION OF GALE NORTON

Mr. THOMAS. Mr. President, we were talking about confirmation of appointments. Among the next ones that will take place tomorrow will be the Secretary of the Interior, Gale Norton. I want a little time talking about the Secretary, but perhaps more as a preliminary matter, I want to talk about the importance of Federal lands and the impact they have on the West in particular. Of course, they are national lands.

First of all, I am very hopeful and confident that Gale Norton will be confirmed. I think she has done an excellent job in responding to the legitimate questions she has been asked. That is the role of the Senate; to inquire, ask questions of these aspiring nominees. She has done, I believe, an excellent job of responding.

She is a superb candidate for this job. She has experience. She has experience as attorney general of the State of Colorado, during which time, of course, she had to deal with a good many land, water, and air quality issues and I think dealt with them professionally.

She is knowledgeable, certainly, about the West. The West is unique—I will talk about that in a moment—where, in many cases, more than half of a State belongs to the Federal Government. It is very important to all of us.

Gale Norton has a background in land use and park use, not only from her experience in Colorado but also her experience in the Interior Department as an associate solicitor for the Fish and Wildlife Service, as well as the Park Service. I have had some occasions to talk with her as chairman of the parks subcommittee. I certainly have an interest in this job in that this Secretary has jurisdiction over the National Park System.

She is certainly a conservative conservationist. We have sometimes gotten into the position where those things seem to be an oxymoron; they seem to be conflicting. Indeed, it seems to me they are not.

She is a conservative and I am a conservative, but we are conservationists in that we want to protect the resources so they will be there in the future for our kids and future youngsters. These two things are not incompatible, they would be quite compatible. I would substitute conservationist—at least to some we have to be an environmentalist. That perhaps is another step.

In any event, I do believe Gale Norton will be confirmed as Secretary, and I certainly support her nomination. I do want to talk about public lands, since we have some time today.

In my State of Wyoming, nearly 50 percent of the land belongs to the Federal Government in various categories. Some was set aside for national parks. We have two of the most famous national parks, Yellowstone and Grand Tetons, and they are great treasures and other facilities as well. Some of the land was set aside for U.S. forests. Much of the land, on the other hand, is BLM land, which really was remaining land after the Homestead Act was finished and land was taken for private ownership. These were the lands that remained and stayed in Federal ownership.

This map shows the holdings throughout the country. They represent millions of acres—a great deal of public land. In Alaska, 68 percent of the land belongs to the Federal Government. In Nevada—Senator Reid was just here—they believe theirs is closer to 87 percent federally owned lands. It goes all the way to New Mexico, the Presiding Officer's State, with about 26 percent.

They are very important. Not only are they important because they are represent millions of acres—a great deal of public land. In Alaska, 68 percent of the land belongs to the Federal Government. In Nevada—Senator Reid was just here—they believe theirs is closer to 87 percent federally owned lands. It goes all the way to New Mexico, the Presiding Officer's State, with about 26 percent.

Those who live there often talk about public lands, and I understand people in Maryland or people in Connecticut often are not quite as familiar with the fact that we have millions of acres that are either mountains or high plains.

When we talk about those things, there is not much recognition of what the problems are. I suppose we are guilty of the same thing with regard to forest management and coastal ownership lines in Wyoming. We need to talk about some of these things so we will better understand them.

I am very interested, of course, in the parks. I grew up right outside Yellowstone Park, in Cody, WY. The park is one of the real treasures of this country. It seems to me the purpose of the park is to protect those treasures. The second purpose is to allow the owners, the American people, to enjoy them, and from time to time, how we do that becomes somewhat controversial.

These places are unique, and some are managed for a single purpose: wilderness areas. I support wilderness areas. They are set aside and restricted as to how they can be used.

I hope we do not change the old sign of the Forest Service which said “Land of many uses,” to what some would like to change it to: “Land of no uses.” I do not believe that is where we ought to be headed, and I do not believe that is where our Secretary of the Interior will be heading.

There are many uses for which the land should be made available, not all economic. There is hiking and camping. You would be surprised by the number of letters I receive, when we talk about the roadless areas, from veterans organizations. Currently, disabled veterans are not going to have access to these lands if we do not provide it. Not only are there resources there such as grazing and timbering, but also recreational access, of course, is most important.

We also need to understand that these resources do need to be managed. We had this year probably the most devastating series of forest fires on public lands in the West. Managing those forests more efficiently, if there is a fire, in terms of thinning to prevent fires, is a very important issue.

We have a unique relationship with the Federal Government because of this involvement. It is a pretty good relationship. Interestingly enough, often the relationship with regard to the forest and BLM lands is pretty good on the local level with the staffs that are doing the actual work, but when you get up to the regional level, the national level, that coordination and cooperation seems to become more and more difficult.

We need to find some ways to make the Government a better neighbor to the people of the West so that we can work together. There has been a promise on the part of this administration, and particularly on the part of Gale Norton, to work more closely to involve local people in governments in management of these lands.

One of the things that has happened, and needs to happen more, and at least be done more effectively and efficiently, is what is called a cooperating agency agreement where, when you have an EIS or study on a particular change of a regulation, why, the surrounding States, the surrounding counties, officials can be brought in as cooperating members, and cooperating agencies to help make these decisions. It is true they are Federal lands and the final decision rests with those agencies, but the people who live there ought to have some input, and we hope that they will.

Throughout this past administration, it was more difficult. I understand the Secretary of the Interior and the last President were seeking to make some history for themselves, some legend in terms of setting aside public lands. Much of that was done without any commitment or involvement of local people at all.
On the contrary, Escalante Staircase, in Utah, was announced in Arizona when the Governor and the delegation had not been consulted about setting aside millions of acres in the State of Utah. That is not the kind of thing that we have happened to managing these resources well or providing an opportunity for local people to participate that each of us thinks they ought to have.

Also, there are a number of agencies that are involved. It isn't just the Department of the Interior. Certainly, in terms of access, we have the EPA, which has a great deal to do with some of the things that are involved with the endangered species and that sort of business. We have the whole access question, which has to do with Transportation, and other agencies. So we hope there will be an effort to bring together agencies that have sometimes conflicting jurisdictions in the Interior Department.

Certainly, I hope, for the most part, these lands, other than those that are set aside for special purposes, can be used for multiple purposes. And "multiple use," I am afraid, is sometimes interpreted as being very detrimental to the environment. It does not necessarily need to be that way. There can be these uses, if they are managed well—renewable resources, such as grazing, for example. Grazing can be, if it is managed properly. It is certainly not detrimental to these lands. It harvests a crop that is there and will be there again next year.

So, if multiple use is very important to our States and to the economy there. This, of course, is not to say in the least that we in the West are not as interested in preserving the resources as anyone else in the country. One of the real problems, however, is the decisions with respect to that have generally been made from the top down, where the whole system really was designed in the NEPA arrangements that are in place, and so on, to start at the bottom and move up. And we have had a lot of problems in Wyoming recently, several instances of changes that were to be made, the most recent one being the use of snow machines in Yellowstone Park, where we had a 2-year winter-use study. They went all through this thing. They came up toward the end with some preferred decisions, and the Assistant Secretary—the very person we are talking about here—came there and said: Wait a minute. We are going to change that. And that was after all the people had participation in it.

In Jack Morrow Hills, which is in the Red Desert in Wyoming, the very same thing happened recently with the Secretary trough this process and you talk about partnerships and participation, and then somebody from the administration, at the top level, comes out and says: All right, we are going to change all that.

That is not really what is intended for participatory government. Hopefully, we can do some things that will help to change that.

I emphasize, however, again, that when we talk about preserving resources, I think you will find the people who live there are as adamant and emotional about preserving the resources—more so—than most people because that is where they are. Those are the things that are very important.

So we need to have a little better understanding of the plan and process. What I think has happened is that we have too much of the kind of business. We have the whole access question, which has to do with Transportation, and other agencies. So we hope there will be an effort to bring together agencies that have sometimes conflicting jurisdictions in the Interior Department.

So, Mr. President, I am very excited about what Secretary Norton will bring. Certainly, the appointments of the other officials in the Department will be equally as important—when you appoint the Director of the Park Service, when you appoint the Director of the Fish and Wildlife Service, or in the Department of Agriculture, where you have a Secretary who is over the Forest Service and the Forest Service management, as well as, of course, the Chief of the Forest Service, who does not have to be one who is confirmed by the Senate.

But those are very important items. I hope we can help build some understanding that people who are interested in having multiple use of the land have to work in favor of those lands. We sometimes get that view promoted by some of the environmental groups in New York City and other places, that if you are going to use it, it destroys it. That does not need to be the case. Indeed, it should not be the case.

In fact, of course, in the parks we work very hard to provide facilities so that people can come and enjoy them. They have to be managed. I mentioned the sled issue. The parks said: We are going to do away with them because they are too noisy and have too much exhaust. They do. The difference is, there has been no management effort and no way where they could separate the snow machines from the cross-country skiers. There has been no effort made to have standards so that the manufacturers of the sleds would reduce the noise and the exhaust. They were just unable to do that, if they had some standards that would ensure that the investment they made could then be legitimate.

So I think these are the things we are looking forward to a little different way of managing these kinds of resources. I am excited about the prospects that Secretary Norton will bring to this agency.

Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I join my colleague, Senator THOMAS, in supporting the nomination of Gale Norton as Secretary of the Interior. She will, indeed, provide the kind of consultation that has been lacking in this past administration on important issues in the designation of conservation areas, or monuments, and some of the other issues on which there has been little consultation with the stakeholders, the people who are really most affected by the decisions of the Department of the Interior. Because so much of that Department's role recently has been the recommendation to the President of unilateral executive decisions on his part, that kind of consultation is going to be critical. Gale Norton, because when she was an attorney who throughout her public career has brought people together and has reached solutions to problems that were primarily acceptable to all sides. She has had a 20-year career in the State of Colorado. She served under the previous President Bush on the Western Water Policy Commission. She served as chair of the Environmental Committee for the National Association of Attorneys General and was an attorney general of the State of Colorado.

As a matter of fact, when she was at the Department of the Interior, in her earlier career, serving as Associate Solicitor for Conservation and Wildlife, she served the Secretary of the Interior for the National Park Service and the Fish and Wildlife Service. She also played a key role in something—the Presiding Officer has, I think, perhaps been to my office. There is a very large painting in my office of the Vermilion Cliffs in northern Arizona, which is the area where the California condors were brought—this endangered species—to try to rejuvenate the species. This is in a natural environment and the Secretary of the Interior, Gale Norton, has been a key role in protecting the condor. She was instrumental in protecting the condor.

She was instrumental in negotiating an agreement from the airlines that they would reduce the noise from overflights over the Grand Canyon. There are a whole variety of things that Gale Norton did while at the Department of the Interior and then as the attorney general of Colorado. For example, she was successful in persuading the Federal Government to accelerate the cleanup of a hazardous waste area near Rocky Flats in
Colorado, which is the former nuclear weapons production site there, and at the Rocky Mountain Arsenal, a chemical weapons manufacturing site. There are a whole variety of things that one could mention in her record. I think most of them have been pretty well discussed in connection with her confirmation hearings.

But the point is to illustrate, first of all, the fact that she is an extraordinarily capable person, a lawyer with great experience in this Department of the Interior as well as an attorney general, and other positions, all of which qualify her now to become the Secretary of the Interior.

She has experience in a wide variety of areas with which she will have to deal, including environmental protection—as I mentioned, hazardous waste cleanup, and other things.

As the Presiding Officer is well aware, one of the things the Department of the Interior, of course, has to deal with is giving great care and commitment to be the primary trustee for our Native Americans.

Because the United States has that trust responsibility and it reposes primarily in the Secretary of Interior, it is a critical position.

I ask unanimous consent to print in the Record a letter from Kelsey Begaye, President of the Navajo Nation, in support of Gale Norton for the position of Secretary of Interior.

There being no objection, the letter was ordered to be printed in the Record, as follows:

THE NAVajo NATION,

Hon. John Kyl,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KYL: On behalf of the Navajo Nation, I convey our support for Ms. Gale Norton as Secretary of the Department of the Interior. The Navajo Nation, in its government-to-government relationships, works with the Department of the Interior on many fronts. The Navajo Nation, although there are times when we disagree with one another we continue to work together for the benefit of the Navajo People. We wish to continue the working relationship with the new administration and we look forward to working with Ms. Norton.

The Navajo Nation’s past experience with Gale Norton involved issues with the Southern Ute Tribe during her term as Attorney General for the State of Colorado. During that time Ms. Norton approached the tribes and asked for help. She provided testimony to the House (Natural Resources) Committee on the Animas-LaPlata project which benefited the tribes. Her willingness to support the tribes demonstrates her knowledge of Indian nations and their position within the federal system.

The Navajo Nation does have its concerns with regard to Indian country policies and initiatives. We advise the new administration to follow the basic goals and principles of affirmation of the commitment to tribal sovereignty—determination protecting and sustaining treaty rights and the federal trust responsibilities, and supporting initiatives which promote sustainable economic development for Indian country.

The Navajo Nation supports the nomination of Gale Norton for Secretary of the Interior and we trust she will continue to work with Indian country as she has done in the past. We look forward to working with her in advancing Indian country policies and Indian initiatives for the Bush/Cheney Administration.

Sincerely,
KELSEY A. BEGAYE,
President.

Mr. KYL. In this letter he notes that Gale Norton has in the past exhibited an understanding of the needs of Native Americans. She worked on one of the settlements when she was attorney general, which is active and in place. The sooner we get the President to discuss the nomination of another Cabinet official, the Attorney General, John Ashcroft, the better.

I asked yesterday about John Ashcroft’s experience. He has served in different capacities in his life, and they are not always the same.

As Members of the Senate, we put ideas forth. They are partisan ideas, they are philosophical ideas, and we debate them. In the crucible of this institution, those ideas are put to tests. They are molded, and they are amended. And consensus develops around solutions that we eventually will pass. Now, we get on with the job of this legislation, but we all put it forth. We have our debates and then we move on.

That is a very different position than the position of a judge or Attorney General. There you have to take the law as it is, and you have to interpret it. You have to interpret it. You have to argue it to the court and so on. I, for the life me, cannot understand why some of my colleagues are not able to make this distinction. Perhaps they are not so and because it is an unfair criticism of John Ashcroft that he will not apply the law as he is required to do as Attorney General simply because, as a Member of the Senate, he argued for other positions.

We can all walk and chew gum. We can all do different things at different times. There is nothing to suggest that John Ashcroft won’t do exactly what he swears he will do when he puts his hand on the Bible and swears to uphold the Constitution and the laws. He did that as attorney general of the State of Missouri. One should not expect that it would change if he is Attorney General of the United States.

Secondly, there is this question of whether he would enforce laws with which he disagrees. Two thoughts about that: First, everyone is assuming he disagrees with certain laws that he doesn’t disagree with. The so-called FACE law, the freedom of access to anything entrance law, he supports that law. He opposes abortion. Some of his opponents say if he opposes abortion, he therefore must oppose that law, and therefore he probably won’t enforce it. Wrong on two counts. You can oppose abortion and still support the law, as I do, as Senator Ashcroft does, which says that people should not be harassed when they want to lawfully go into a place which is a lawful place of business. There is nothing inconsistent with opposing what goes on inside that law. Opposing the law does not mean people have a right to enter. He has said he would do that. That is the second point.
I don’t know why people don’t believe that. There is nothing in his record to suggest he would not uphold that law. He supports the law. He says he will uphold it. I don’t understand why people, therefore, in effect question his motivation to abide by the oath he will take. That bothers me because it suggests they don’t trust John Ashcroft. Yet there isn’t a single Senator who has served with John Ashcroft who hasn’t, when asked to remark upon this, confirmed that he understands and his integrity and it is not that they don’t trust John Ashcroft. There is something else.

I think it has to do with the fact that there are so many liberal special interest groups that have a reason to oppose John Ashcroft because his views are not the same as theirs that it is forcing our colleagues then to say things that are inappropriate. Because to suggest that John Ashcroft is not a man of integrity and that he won’t keep his commitment is quite unfair to this fine and decent man.

That finally brings me to the third point. My colleague, Senator LEAHY, ranking member of the Judiciary Committee on which I sit, made a very important remark this morning with which I agree. He said the office of Attorney General is a little different than the other Cabinet positions in that there is a special kind of responsibility there. With most of the other Cabinet positions, there are policy issues and administration involved, but there is not the necessity of upholding the rule of law. In that, Senator LEAHY was absolutely correct. One could argue that there are a couple other Cabinet positions that also have a unique responsibility.

The Secretary of Defense, I am sure, is an example of that. The Attorney General is something special.

We expect the Attorney General to care first and foremost about the rule of law. As a matter of fact, Senator LEAHY said—paraphrasing here—no position in the Cabinet is as important for evenhanded justice. I didn’t do him justice in paraphrasing, but I agree with that sentiment.

It is people who focus on that issue now with respect to John Ashcroft would have a lot more credibility in making their case against John Ashcroft if they had demonstrated an equal concern for the rule of law in a whole variety of issues that involved the Clinton administration for the last 8 years. On this, many of his opponents have been relatively silent. Every single one of the Democrats in this body voted against the punishment that the House of Representatives voted with respect to the impeachment of President Clinton. That was all about the rule of law. As it has transpired, the President has admitted to making knowingly false statements to officers of the court. This is not something which enhances the rule of law. Yet I heard all manner of excuses about the President’s conduct at that time. Nor have I heard much about the rule of law as to the current Attorney General’s refusal time after time after time to appoint special counsel or otherwise look into what were clear violations of the law and very questionable conduct with respect to campaign contributions and other things. When Louis Freeh, the former special counsel Charles LaBella recommended the appointment of a special prosecutor to look into this, when Louis Freeh, head of the FBI recommended the same, time after time Attorney General Reno said no.

When we talk about politicizing the office of Attorney General, I think it is important for our Democratic friends to understand that Republicans have been concerned about the rule of law, and that is why I was the Department of Justice for a long time. We are anxious for an Attorney General to go into that office and, frankly, clean it up so that there isn’t the politics that has characterized it for the last 8 years.

It is hard for me to give much credence to those on the outside who question whether John Ashcroft can do this and who question his commitment to the rule of law when, for 8 years, they have been silent about repeated matters involving very strong charges that the rule of law is violated by various people and an unwillingness on the part of the Attorney General to do very much, if anything, about it.

Even the last act of President Clinton in pardoning a whole group of people has drawn very little criticism from our friends who are critical of John Ashcroft and are now very concerned about the rule of law. One of these was Al D'Antoni. A few of my Democratic Senate colleagues have been coached to come out with mild statements, or expressions of concern, about that pardon. I think that is inappropriate. There ought to be expressions of concern about it.

My point is that if we are going to talk about concern over the rule of law and how John Ashcroft as Attorney General will protect and preserve the rule of law in this country, then I think we should think about our concern for the rule of law and apply it equally in the situation of the immediate past Attorney General.

This is an example where I suspect many Americans look at this and say, well, I guess where you stand depends on where you sit. It is easy to criticize somebody on the other side. You don’t want to criticize somebody on your own side. That is a natural characteristic of politics. But when we are talking about actually voting against the attorney general of the United States, it seems to me that at last my colleagues who will have an opportunity to vote on that—and I now separate them from the special interest groups about which I have been speaking—need to look at this carefully, look at what they have said about the rule of law over the last 8 years, before they raise concerns about John Ashcroft and the rule of law.

There has never been a qualified nominee for Attorney General than John Ashcroft and I doubt many with greater integrity. I know many Attorneys General have served with great integrity. Neither his integrity nor qualifications has been questioned. All it boils down to is that some people object to his conservative ideology.

The President of the United States is elected, and I believe he has an opportunity to serve the American people and ability to do so in following through on his campaign commitments, following through on his ideas of how we ought to proceed with public policymaking. The Attorney General will have something to say about that. As Senator LEAHY said today, the Attorney General’s job is to administer the law. About that, there is no question where the President stands and where John Ashcroft stands.

I urge my colleagues to think very carefully how a no vote on John Ashcroft would look perhaps 2 years from now, 5 years from now, 10 years from now. Will it look like a good call or will it look petty? Will it look like an act of statesmanship or will it look like an act of partisanship? I urge my colleagues to think very carefully about this vote before they cast it.
between the two leaders, or their designees. The distinguished Senator from Utah is recognized during the period which is equally divided between the two leaders.

Mr. BENNETT. I thank the Chair for the opportunity to ask the Senator a question.

Mr. President, when I decided that I would run for the Senate, I had been out of any active kind of political involvement for close to 18 years.

I left Washington in 1974, the same year Richard Nixon, the President in whose administration I served, left Washington. I remember being in a taxicab in Burbank, CA, on my way to an airport to come back to Washington to pick up my family when on the radio playing in the taxicab Mr. Nixon announced his resignation from the Presidency. At that time, I thought I would never return to anything connected with public life or politics and settled into a career as a businessman.

But life has a way of changing things that we think are set in our lives. I found myself in 1991 contemplating a return to the political arena for the first time as a candidate for a serious office. I discovered in the 18-year hiatus since I had been gone that there were issues in my life that had been growing, and anyone paying attention to which were burning issues in the political arena of that time. One of them was clearly the question of the environment and the use of public lands.

In Utah, we have a tremendous number of public lands. Indeed, two-thirds of our State is owned by the Federal Government, and a large percentage of that is owned by the State government is given over to State parks and other State land uses. One of the most inspiring of those State parks is known as Dead Horse Point. It is a place where you can go out and look over a huge vista way down below and, for reasons which I don’t understand, is named after a dead horse. Please familiarize yourself with this.

As you stand on that point—Dead Horse Point—you get a picture of the grandeur that is available in southeastern Utah. As I went down in that area to look for votes, I discovered that one of the biggest controversies there was the question of an oil well built in an area that might despoil or damage the glorious views of Dead Horse Point.

When I got there, I found that the local Republican leaders were involved in the oil well. Indeed, the woman, whom I had not met before, who took me around and introduced me into that area, said her husband worked on the oil well and outlined for me what it meant to their family economically if something were to happen to close oil wells there. I became aware of the conflict between the economic impact that is benefiting their family and other families and the aesthetic impact of seeing to it that things must be done properly as well as to protect the environment. What am I going to do about it? Then she said something that was very appropriate and, frankly, rare among politicians. She said: Why don’t you go look at it firsthand what this is all about? I said: Fine. That was a good way to delay the issue and not have to announce my position while I let her take me out and show me where the oil well was.

The gentleman who had driven me down into that part of the State and I got into her pickup truck and we went out looking for the oil well. I say “looking” because you couldn’t find it. If you didn’t have a guide who knew her way very well, you couldn’t find the oil well. You couldn’t see it.

To further complicate things, on that particular day it was a little bit overcast and there was not necessarily fog but some confusion in the atmosphere making it difficult for us to get our bearings from surrounding mountains. She was a native of the area, knew it very well, but got lost nonetheless. We made a wrong turn. We wandered around. She tried to get her bearings and then, after our steps, she took us to the place where there was the oil well. We got out of the truck and walked out into an area maybe twice the size of the Senate Chamber.

It had been bermed up around the area, possibly by a bulldozer, but the result was that the oil well was in the bottom of what you might consider a very shallow basin. That is why you couldn’t see it. It was not the great derrick we think of when we think of drilling for oil. It was what is called a Christmas tree, a series of valves that come together. I had my picture taken standing on it, and the Christmas tree was no higher than I could reach. I could put my hand out on the top of this and stand there. This was the total visual impact of this oil well. It was painted in such a way as to blend into the surrounding flora, and it was at the bottom of a shallow basin. If you were more than 100 feet away from it, you couldn’t see it. I realized that the idea it could be seen from Dead Horse Point might be true if you had a very high-powered set of binoculars and knew exactly what to look for. She had some sort of laser device to help you aim, but that no one in the normal course of enjoying the outdoor experience of Dead Horse Point would ever see this oil well.

I went away from the experience determined that I would support the oil well and the pumping of oil in that area to see to it that the people of that area would get some economic stability to their lives, knowing it could be done in an environmentally sensitive way. I hoped that visitors to Dead Horse Point would have no diminution of their outdoor experience in southeast Utah.

I described this experience in this kind of detail for this reason: We are going to discuss the nomination of Gale Norton to be Secretary of the Interior. The opposition to Gale Norton as Secretary of the Interior comes from those who insist that there is a way to do things in an environmentally sensitive way that would see to it that the wise use of our natural resources in this country is so inimical to the idea of wilderness, environmental enjoyment, and environmental protection that she must be defeated.

But life has a way of changing things that we think are set in our lives. I was talking to a friend of mine who travels widely around the world for his jobs. He said: The worst pollution I have ever seen in my entire life in all the places I have visited is in Kathmandu. It is one of the poorest places on the planet. The reason they have such tremendous pollution is that they don’t have the money necessary to clean it up.

We in America have the money, and we have spent the money, and we are continuing to spend the money to see to it that we can have this combination of what I have spoken: Sound economic activity, allowing us to have reverence for and preservation of our environment. The aspect of that balancing act is this: If we do things in the name of preserving the environment that has the effect of destroying our economic strength, paradoxically, that will come back to hurt the environment. Environmental protection of the kind we have embarked on as a nation costs money. Environmental preservation of the kind to which we have dedicated ourselves is not as profitable as some people would have us believe. And the most pollution-free and the most scenically preserved areas in the world are those in the areas where people are the most economically strong.

I say to those who view the nomination of Gale Norton with hostility, recognize that if you are so pure in your determination that nothing whatever can be done of an economic nature on public lands, you run the risk of damaging those public lands. If you do the same thing that has happened in the American economy, you undercut the American ability to pay for environmental protection, just as the people in southeastern
Utah, if they say absolutely no to any kind of oil exploration or pumping, run the risk of degrading the economy in that part of the State to the point where there can be no money for environmental protection. The two must go hand in hand. Not only can they go hand in hand, they must go hand in hand for the benefit of the environment.

The Senate from Alaska has invited me and every other Member of this body to come to the Alaskan wildlife preserve, not to be sold a bill of goods, not to go up there with any predetermination. He is willing for us to come up under whatever sponsorship and attitude we might have and see for ourselves what drilling at ANWR really would mean. In other words, he has asked Members to do what I did in southern Utah: Look at it on the ground. See for yourself what it would mean. I intend to take him up on that, by the way. Mr. President, I believe when we can make a decision without going up determined, either for drilling or against drilling, prior to our visit.

One other personal comment about all of these debates. I served in the Nixon Administration when the controversy arose as to whether or not to build the Alaskan pipeline. We had all of the same debates then that we are having now. One that I heard over and over again was the statement that the building of the Alaskan pipeline would not only disturb but would ultimately destroy the caribou herd in Alaska because the pipeline went right through the caribou’s traditional mating grounds: We must not allow this; the caribou are too important; the caribou are too vital to our heritage to allow anything to go forward.

That argument did not prevail back in the 1970s. The pipeline was built, and now we can look back at it with nearly 30 years of experience and discover that the amorous urges of the caribou were not affected by the presence of a pipeline. Indeed, the caribou herd is now larger than it was when the pipeline was built, and caribou that have been born since the pipeline was built see it as part of their natural environment, having not been told in advance they were going to be against it, and enjoy the pipeline as their mating grounds. They rub up against the pipeline because it is warm and it is a opportunity for them to get warm in a hostile environment. And the caribou, as I say not being educated to the contrary, think this is a good thing.

I think we can learn a lesson from that experience, the same lesson, again. But I think we can also learn the preservation of the environment and economic development side by side. We need not have this wide schism.

Finally, one last story that frames my approach to this nomination, this seeming battle to go down memory lane. I go way back this time, to the time when my father served in the Senate and the issue before the Senate was the building of the Glen Canyon Dam, the creation of Lake Powell. There were those who opposed the building of the Glen Canyon Dam, just as there are those now who want it dynamited and taken down. One of the arguments for the Glen Canyon Dam was that need for electric power. There were those who said: This is ridiculous. We will never as a nation need that much electric power. We have plenty of power. The building of the Glen Canyon Dam’s electric utility will only depress prices because it will produce so much extra power that we will never, ever need.

We can look back on that, with 40 years of experience, and realize that their projections of this Nation’s power needs were wrong and that we clearly do need the power. But the interesting footnote of that debate was this: During that debate, people said: If we should be wrong and somehow, some way, need another, need much extra power, we do not need Glen Canyon Dam and hydroelectric power. There is all that coal in the Kaparowitz Plateau, right next door, that could be burned to provide the power that we need. So let’s burn the coal. If we should, by some strange circumstance, need that power, we can always burn the coal.

That was the argument made while my father was trying to get the Glen Canyon Dam built. By coincidence, when I became a Senator, President Clinton used the Antiquities Act to create a national monument on the Kaparowitz Plateau for the sole purpose of preventing us from burning that coal.

In today’s circumstance it is interesting to note that the coal in Kaparowitz represents enough power to heat and light the city of San Francisco for 50 years. Given where we are right now in the California energy crisis, that is an interesting circumstance.

So I have given this history of my own involvement. It is clear why I am an enthusiastic supporter of Gale Norton. She understands that we can do both, we must do both, and we should do both—protect the environment and support the economy. I say to those who say no, no, no, she is too extreme, on one side or the other: Do what I did. Go to the ground. Look at it yourself and try to take a long view of the next 20 or 30 years and see what would be the result of Gale Norton’s stewardship, for both the economy and the environment in that circumstance. Mr. President, I endorse her nomination. I will vote enthusiastically for it. I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Alaska, Mr. MURKOWSKI.

Mr. MURKOWSKI. Mr. President, let me recognize the senior Senator from West Virginia, former President pro tempore of this body. It is certainly a privilege to have him in the Chair. I wish him a very good afternoon.

I make an inquiry relative to the time agreement pending. Am I correct in assuming we have 3 hours equally divided between my colleague, Senator BINGAMAN, who cochairs the Energy and Natural Resources Committee, and myself?

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Is there additional time, if necessary, to be divided between the leaders?

The PRESIDING OFFICER. The Senator is correct. There is an additional hour to be divided between the two leaders.

Mr. MURKOWSKI. For further clarification, it is my understanding that Tuesday at 10:30 there will be a number of Senators recognized to speak for roughly 2 hours.

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. It is the intention of the leadership to vote at 2:45 tomorrow, on the nominees, Whitman, Chao, and Norton.

The PRESIDING OFFICER. The Chao nomination has already been disposed of. The other two nominees will be voted on at 2:45 p.m.

Mr. MURKOWSKI. I thank the Chair. Mr. President, it is my intention to defer my extended opening statement and yield to Senator DOMENICI and then it will be Senator BINGAMAN’s turn in sequence to speak at length.

Before I yield to Senator DOMENICI, let me point something out concerning the nomination of Gale Norton for Secretary of the Interior. The Committee on Energy and Natural Resources voted today with a mandate. I think I might add, for the benefit of Members, that she answered some 224 written questions. She answered all of them in detail.

It is my own view that the environmentalist’s attacks on her have gone too far. I think they overstep the bounds of reasonableness. I think to some extent the environmental groups lost credibility with their overzealous attacks on her.

If I were a member of some of those environmental groups, I would want to know whose decision it was to spend the millions of dollars that have been spent in advertisements in newspapers that made false statements about her record. It seems to be the case, when the facts are not on your side the attack seems to be on the person. It is my view that that is what has happened here.

Secondly, they have attempted to try to rub out the messenger, but they cannot rub out her message. Her message was that she will enforce the law if it is the intention to vote at 2:45 tomorrow.

The PRESIDING OFFICER. I yield to the senior Senator from New Mexico.

The PRESIDING OFFICER. How much time is yielded to the Senator?

Mr. MURKOWSKI. I yield whatever time is necessary. Again, I recognize the junior Senator from New Mexico, and as we have agreed, we encourage other Senators who intend to speak to come to the floor and be heard this afternoon during the available time.
The PRESIDING OFFICER. The Senator from New Mexico, Mr. DOMENICI, is recognized for whatever time is necessary.

Mr. DOMENICI. Mr. President, for the Senators present and for my friend from New Mexico, who might want to speak next, I do not think I will use more than 10 minutes.

First, let me say it is a pleasure seeing you in the Chair. For a number of years, obviously, when it was not 50/50 and we could not count on your good self to not see you there very often. Now we will and it is really a pleasure. I am hopeful that sometime when we have some difficult matters you might be there because your sense of parliamentary procedure is very good from what I can tell and it helps the whole Senate.

Mr. President, today on the floor is the Senator from West Virginia, the Senator from Alaska, and two Senators from New Mexico. It is rather interesting because I choose today to spend my time talking about a very serious crisis that Gale Norton can help us with.

The American people are just finding out that we have an energy crisis of serious proportions. We are on the Budget Committee and we are going to be talking about grave matters, such as Dr. Greenspan’s statement about the surplus being so big and how we ought to start giving back to the people.

You, Mr. President, sat in attendance and listened for 4 hours when he testified, without a recess.

The most important thing in our society is the energy that moves every American’s daily life. From the automobiles they drive, the houses they own, the ironing boards they use, the electric washing machines, and, yes, even the industry down the road, be it little or big, all use energy.

I was on this floor back when we had a big natural gas crisis. The Senator might remember it. It was one of the few times the Democrats told a Senator who was postcloture filibustering a natural gas bill to sit down. Even back then there was great fear that industries in America might not have enough natural gas for the 24-hour shift that they were on.

It was amazing. One of the Senators who objected most to deregulating natural gas—and for those hearing the word “deregulation” this is not deregulation, this is not deregulating the energy industry. This was deregulation in the sense of the marketplace determining whether they drilled for natural gas and what price was received.

It was important back then. Today America has more coal than Saudi Arabia has oil. What is happening? We have not built a coal-burning powerplant in America for I do not know how long; yet the last five we built were all natural gas.

There are 20-some plants in California and almost all of them are natural gas. They do not make us work at trying to fix the Clean Air Act and export technology in order to make exchanges that will permit us to use what energy we own.

We have become so frightened about nuclear power. Nuclear power does not have to be a nemesis to coal. America needs coal and it is going to have to be a nemesis to coal. Even back then there was great fear of a natural gas bill to sit down. I was here when it was done. I shared with the Senator in the Chair when he said: Why don’t we do that? I said: Let’s do that.

I was not the only one, but we all did that. Even with that, we are so timid matching up the environment with the energy needs of America, and we never come down on the side of energy. It is amazing: New rules, new regulations, new ideas about conservation, but never has one of those issues come down in the last decade on the basis of how much energy.

This energy crisis is so severe and this President will set about to solve it in a very extraordinary way. The Secretary of the Interior, whom we are about to confirm, will be part of solving that problem; not all of it, but part of it because on the public domain lands owned by Americans is more of the resources for energy than on any other properties in America. The Senate ought to know that on the basic properties that we own in the 160-acre tract, in the Oil and Gas leasing, there is more natural gas than we ever thought existed. There are some who say we have 20, 30, 40 times more than we need. We know for sure that in the past 8 years, the Secretary of the Interior, a wonderful, nice man who got along well with all of us, succeeded in taking lands out of possible production. The potential of drilling a natural gas well, according to the experts, are enough to produce 20 times what we are using per year now.

What if it was 10 times as much? That would be great. It means that much is there and we ought to get it.

What is this Secretary going to be doing? She is going to be part of what I am sure this President is going to do, and that is to task more than one Department to be concerned about energy. He has to task the Interior Department to begin to make decisions based on our energy future. He is also going to task the Secretary to get on board as well. In my opinion, he will even task the Director of the Environmental Protection Agency to do the same. Nobody thinks of that as part of our energy solution, but it is a huge potential. They have not been making decisions because nobody has yet asked them to.

When you are making something and you are balancing pluses and minuses, you have to consider energy at each of the decisions because nobody has yet asked them to.

We need an energy policy quick. It is important back then. Today we see the Secretary, whom we are going to change the Secretary of the Interior, he is an extraordinary way. The Secretary of the Interior, whom we are going to change the Secretary of the Interior, from Mr. Babbitt, a nice man—I like him—to Gale Norton. I hope she is confirmed. She is entitled to the job. We have probably never had a candidate for that job who is better educated or qualified in the areas of her jurisdiction than this lady. She is not going to be a fool. She is not going to do it in a way to cause the people to say: She is forgetting about the environment. You count on it. She is just going to say some of the things we have been doing in the name of conservation are not needed for the environment. We can change them and produce more natural gas for America.

I am not talking only about ANWR because I do not think ANWR is a policy issue; it is part of a policy. It is part of looking at the public domain of America and asking, considering the nature of America’s energy crisis now and for the next 25 or 30 years, can we preserve the environment? Can we produce enough supply base to help America continue to be the strongest nation on Earth militarily and economically?

It is interesting because I could say almost the same thing about Christine Todd Whitman, the Environmental Protection Agency Administrator nominee, I know that she is not going to be able to exclusively consider environmental matters with total disregard for any cost benefit as it pertains to reasonable costs of energy. That cannot continue. The heyday of that is gone as America tries to find a way to have energy so we can be powerful and prosper and have good jobs and good paychecks.

That is why I think Gale Norton should be confirmed overwhelmingly. There are some in this country who want to “put another Secretary Babbitt in office,” and they are angry because this is not an advisory of the Interior Babbitt.” As I said in confirmation hearings to Gale Norton: If you told the committee you would do everything like Secretary Babbitt, this Senator would not be voting for you because this is the right time in history to change. Actually, we do not need more of the last 8 years. We need somebody who will bring balance so we will not have the kind of crisis that is occurring in California and all over America.

I want to close by saying I am very confident that our new President, together with these new Cabinet members, will not hide from the facts. I
know they will continue telling America that we must do some things differently if we want to have a vibrant country. We have a lot of energy sources in this country there at our disposal and we can preserve this country's magnificence—the beauty of our parks and forests—while producing energy for the American people. I was very proud, as I listened to Gale Norton answering some of the accusations made against her. I also read about other accusations, such as the Summittville disaster in Colorado. Actually, she had more to do with trying to solve the Summittville crisis. Yet, that was put up as some reason for us voting against her.

Some talked about the Rocky Mountain Arsenal and Rocky Flats cleanup in Colorado. Actually, when it is all boiled down and you look at her record, she did a lot to help move that along. Incidentally, it is the best project we have of the seven on-going in the United States in terms of nuclear cleanup. We still have two or three big ones in California and the Carolinas, and we are not sure when we will ever clean them up.

So I close today. I put all the details about her background in the Record. Today, I have just chosen to say a few words about why she is going to be the right person on a team that will help move us in the right direction on energy. I do not think within the next 6 months are going to be short of good, positive ideas from this administration. I think they will come. I do not think we will be frightened by any of these ideas.

To reiterate, I support the nomination of Gale Norton as the new Secretary of Interior. She has extensive legal, regulatory, state and federal government experience which duly qualifies her to serve as Secretary of a department as diverse as Interior.

The Department has a broad mission which includes responsibility for the internal development of the nation and the welfare of its people. It’s broad coverage includes managing parks, water issues, basic responsibilities for American Indians, public lands management, and the rational exploration of our wilderness areas in balance with preserving our nation’s resources.

Gale Norton has worked for over 20 years on environmental and federal land issues. She has demonstrated her commitment to a safe and clean environment by bringing all parties together in an effort to find solutions to these complex issues. She has proven herself as a negotiator, a skilled legal mind, as a wonder of the law. She exemplifies the qualities of a consensus builder, not a divider.

The issues arising in these areas are some of the most complex and contentious and require a leader who can balance the various competing interests. Gale Norton has repeatedly demonstrated that she is this type of leader.

One example of Gale Norton’s consensus building leadership is exemplified in her handling of western water issues. She has led efforts to bring together state water users, federal agencies, and Indian tribes to settle water use disputes. In particular, during the Denver Water Board controversy that led to the development of the Colorado Ute Settlement Act Amendments of 2000, which recently passed Congress, Gale Norton worked to ensure that the water rights settlement with the two Colorado Ute Indian Tribes would be fulfilled in a way that would respect existing water uses and the social fabric of the area. This included balancing a variety of interests including that of current users and the Ute tribes while looking out for potential development and considering the needs of endangered species. Ms. Norton honored Colorado’s commitments to both the Tribes and the non-Indians living and working in Southwest Colorado and Northwest New Mexico. She worked through a very contentious issue looking for consensus and reasonable solutions.

Ms. Norton has mentioned the priority the new administration intends to place on American Indian issues. I commend her on her past efforts related to these issues, such as her role in the Animas La-Plata project, and I look forward to working with the new administration on American Indian issues.

Ms. Norton has had other extensive experience with western water issues. She has actively participated in the negotiation, litigation, and settlement of multi-state compact claims and has dealt with other complex water issues including federal reservation rights, interstate water use, and the balance between water rights protection for states and preservation of endangered species.

Gale Norton has successfully balanced environmental concerns while being sensitive to businesses and other citizens whose interests are at stake. Ms. Norton created an environmental crimes task force to prosecute the most flagrant polluters. She played a leading role in the cleanup of numerous sites in Colorado to protect the environment and ensure its preservation for future generations.

Ms. Norton has always worked to find innovative solutions to environmental problems. While at Stanford she researched “emissions trading” approaches, like those adopted in the Clean Air Act, that created market-based incentives for businesses to reduce emissions. The Colorado “audit laws” that Gale Norton supported achieved better environmental protection by encouraging early and full identification of environmental problems and, most importantly, long term solutions.

Ms. Norton is committed to enforcing the law and has a record of bipartisan cooperation and negotiation. Additionally, Ms. Norton understands the importance of the relationship between States and the federal government and has proven her ability to negotiate with both. She has worked towards finding innovative solutions to environmental problems, while at the same time working towards the goals of the new administration. She understands that these issues are important to a variety of people and will work to ensure that all competing interests are balanced within existing laws.

I am convinced that Interior needs this type of balanced leadership, and needs that leadership today. I look forward to working with Gale Norton as the new Secretary of Interior and I am my strong recommendation that the Senate move quickly to approve her nomination.

Mr. BINGAMAN addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico, Mr. BINGAMAN.

Mr. BINGAMAN. Mr. President, I will give a short statement to the nomination of Gale Norton myself, and then I know there are three other Democratic Senators here who have indicated a desire to speak briefly. I know Senator MURkowski wishes to speak, and there are others on his side as well.

As the principal steward of our public lands, the Secretary of the Interior is responsible for overseeing and protecting the natural and cultural treasures of our Nation, including all units of our National Park System, national wildlife refuges, most national monuments, national conservation areas, and many of our wilderness areas.

When the Energy and Natural Resources Committee, which Senator MUKOSKI chairs, and which I serve on as the ranking Democrat, began its hearings on the nomination of Gale Norton to be Secretary of the Interior, I indicated that I had serious doubts about whether Ms. Norton’s past views have discredited the Federal Government in enforcing environmental protection laws were consistent with the responsibilities of the Secretary of the Interior. In her many published articles, Ms. Norton had amassed a record that championed the rights of individuals over the public interest in many natural resource issues; she had argued that key environmental protection laws—including critical provisions of the Endangered Species Act and the Safe Drinking Water Act—were unconstitutional; and she had often supported the interests of economic development over environmental protection.

During two days of hearings, however, Gale Norton presented a much different picture of her future actions as Secretary of the Interior, a different picture than her previous writings would have suggested. She testified that she was, as she put it, a “passionate conservationist” and that her “top priority” was the “conservation of America’s natural resources.” She recognized that—this is a quote from her testimony—“the great wild places and unspoiled landscapes of this...
country are the common heritage of all Americans’ and she pledged to work to conserve them for present and future generations. She testified in support of laws she had previously opposed. She proposed the change in this is a quote from her testimony—she ‘will be fully com-
mitted to ensuring that our nation’s environmental laws and laws for the protection of natural resources will be fully enforced.’

When asked to the Endangered Species Act, she testified that she supports not only the goals of the act, but also that she ‘will apply the Act as it is written, and as the courts have inter-
preted it.’ When specifically asked whether she will support the protection of critical habitat for threatened and endangered species—a provision she had previously opposed while attorney general of Colorado—Ms. Norton re-
plied that ‘the courts have decided that, in addition to things that affect the species directly, the Fish and Wild-
life Service has the ability to regulate on private land, and I will enforce that provision.’

When questioned about another key environmental law she had earlier op-
posed, the Surface Mining Control and Reclamation Act, Ms. Norton testified that ‘I will certainly enforce the law in the way it has been interpreted by the U.S. Supreme Court.’

Contrary to some of her critics’ past accusations, Ms. Norton testified that it will be her responsibility to enforce Federal environmental laws, and that she will ensure that all parties comply with those laws. She expressly refuted a previous statement written long ago suggesting that corporations had a ‘right to pollute.’

She made it very clear that both President Bush and she support con-
tinuing the moratoriums on offshore oil and gas leasing off the coasts of California, and that she would work with other States opposing drilling activities off their coastlines.

Finally, she recognized the Sec-
retary’s special responsibility to Na-
tive Americans, and promised to im-
prove Indian education programs.

In addition to answering two days of questions before our committee, she re-
sponded in writing to another 227 ques-
tions that were submitted to her by committee members and other Sen-
ators.

It is clear that the Gale Norton who testified before our committee pre-
vented different views about the Fed-
eral Government and its role in pro-
tecting the environment than the Gale Norton who authored controversial ar-
ticles challenging that same Federal authority previously. Frankly, recon-
ciling some of her past views with her current testimony is not that easy.

However, I take Gale Norton at her word when she testified under oath in front of our committee that she will uphold our Nation’s environmental laws, and that she will be a strong de-
fender of our natural and cultural her-
itage. I listened to all of her testimony and have reviewed all of her written re-
ponses to our questions. Based on her testimony and those written responses, to our questions, and because of the promises she made at the hearing, I am supporting her nomination.

While I will formulate her nomi-
ination tomorrow, I still do have res-
ervations about some issues that Ms. Norton declined to provide specific an-
wers for. For example, she did not take a position on whether she would work to sustain those areas designated as national monu-
ments by President Clinton, or whether she would support efforts to modify or repeal the Antiquities Act. She did not give us specifics as to how she will bal-
ance the Secretary of the Interior’s re-
source protection responsibilities against the need to ensure continued energy resources from public lands. She avoided answering questions on whether she will support and enforce Federal reserved water rights for wild-
erness areas or endangered species.

In the final analysis, Gale Norton’s actions on these and other issues as Secretary of the Interior will ulti-
mately speak louder than any state-
ments made during her confirmation hearing. While I am willing to give her the benefit of the doubt, I know that other Senators—and some who will speak here—still have reservations about whether she will be able to set aside her past policy positions and be a strong voice for continuing the criti-
cal Federal resources under her do-
main.

But, based on the assurances she gave our committee, I will support her confirmation. I expect her to honor the commitments she has made to me and to other Senators to justify the trust that the Senate is going to place in her when she is confirmed tomorrow.

I yield the floor to—Mr. MURkowski. Mr. President, in order to accommodate Members who have been waiting, I wonder if Senator BINGAMAN and I could agree to allowing time off each side by various Senators. I will ask Senators in the order in which they appear. We would like to go back and forth.

Mr. BINGAMAN. Mr. President, I be-
lieve the order Senators appeared was Senator Wyden, then Senator Fein-
stein from California, then Senator Breaux from Louisiana, and I believe Senator Stevens from Alaska. That is the order they appeared.

Mr. MURkowski. I have no objec-
tion. I ask each Member how much time they might request. We want to run time equally. It is immutable to me. We can run it equally.

Mr. BINGAMAN. How much time does the Senator from Oregon require?

Mr. WyDEN. I believe about 15 min-
utes.

Mr. BINGAMAN. I will be glad to yield 15 minutes off of my time.

Mr. MURkowski. Then is it the un-
derstanding that we would go in that order; is that agreeable? It would be

understood that after Senator WyDEN, Senator Feinstein, Senator BreaUX, and then Senator Stevens, and then we will perhaps start again and go back and forth after that.

The President. Would the Senator please state the names in sequence so the Chair will have a clear understanding?

Mr. MURkowski. I thank the Chair. It is my understanding that Senator WyDen will be recognized next, and then Senator Stevens, and then Senator BreaUX, and then Senator BINGAMAN’s time; Senator BINGAMAN’s time; and then Senator Stevens for 7 or 8 minutes from our time. That would be the proposal.

The President. Without objection, it is so ordered.

Mr. MURkowski. Again, I re-
commend any Senators who intend to participate please come to the floor.

The President. The Senator from Oregon, Mr. WyDen, is recog-
nized for 15 minutes.

Mr. WyDen. Mr. President, every day the Secretary of the Interior makes decisions that directly affect the quality of life in the West. This De-
partment manages almost 500 million acres of public lands, and the debates that westerners have about the man-
damn of these issues—especially the Federal role in protecting the envi-
ronment—involve in powerful interest groups and say: Feel free to plunder for your personal benefits. But, based on the assurances she gave our committee, I will support her confirmation. I expect her to honor the commitments she has made to me and to other Senators to justify the trust that the Senate is going to place in her when she is confirmed tomorrow.

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derstanding that we would go in that order; is that agreeable? It would be
The Gale Norton who testified this month before the Senate is certainly no James Watt, but at this unique time in our history, that distinction alone is not enough to warrant confirmation.

My reservations about this nominee fall into two major areas. First, Ms. Norton's desire to provide flexibility to private parties and the States to comply with our environmental laws has not been accompanied by a demonstrated commitment to watchdog those companies and the States to ensure that those national treasures are not exploited.

Ms. Norton is right—what works for the Bronx does not necessarily work for Prineville, Oregon. One size does not fit all. But her demonstrated record suggests that she did not come down with hobnail boots on private parties who abuse our national treasures in the name of exercising flexibility.

Look at what happened at Summitville in Colorado where a vast amount of cyanide spilled into the Alamosa River. Colorado was supposed to supervise that mine. It was the State's job and the State didn't do it. When Ms. Norton at the confirmation hearings how she would prevent future “Summitvilles,” she was unwilling to say that the key to preventing these environmental tragedies is leadership that steps in when private parties go over the line. After Summitville, Ms. Norton could have immediately pushed to extend the statute of limitations on environmental crimes, which would have allowed criminal prosecution in that case. But she didn't, and respected Colorado commentators took her to task for not doing so.

In another case involving heavy metal pollution at the Asarco plant in the Globeville neighborhood of Denver, Ms. Norton said she couldn't move quickly and aggressively because she could act only on referrals from the State health department. Every U.S. State senator knows that a State attorney general has the power to call in the officials from State agencies that are not doing their job and tell them to get on the stick and protect the public and the environment. Ms. Norton could have even taken her concerns about the State health department dragging its feet to the public, but she didn't. That absence of leadership led to a settlement from her agency that was so inadequate that a private citizens lawsuit recovered significantly more damages than Ms. Norton did.

The Secretary of the Interior has wide latitude under the law as to who gets the land for leases or how the land will be handled under those leases. The Secretary of the Interior has the right to say we will lease this land for oil and gas, and we will not lease this land for coal exploration or we will not lease it at all or we will lease it with the following requirements to protect the environment. For example, many new oil and gas leases require the lessee to take the special precautions to protect wildlife on public lands. By Secretarial order, Ms. Norton could direct the Bureau of Land Management to work out such requirements with respect to the development of oil and gas leases, and at the same time significantly harm the environment. The fact is, the power of this office could allow virtually any private interest to build in one of our national treasures. In this office, the Secretary of the Interior can do much to deep six the prosecution of egregious environmental disasters. The reality here is: whether lawyers for the Interior Department are handling a case or the Justice Department is handling it, the Secretary of the Interior will be consulted just as any client is consulted by a lawyer about important appeals. Should there be an appeal to courts of natural communities that need to be protected? Is this offer satisfactory? Given Ms. Norton's record, the evidence does not demonstrate that she will be tough with polluters. The fact is, as you try to find the common ground between the environmental community and the affected industries, when one of those parties goes over the line, you do have to have a Secretary of the Interior who is willing to be tough about using the enforcement capabilities of the office.

Finally, I am concerned about Ms. Norton's interest and willingness to do the heavy lifting, to bring parties together, to find creative solutions to vexing environmental problems. I am proud to have been able to work with the Senator from Idaho, Mr. Craig, in an effort that was successful in the last session to resolve the question of how you pay for schools and roads and run a community that has historically been tied to the harvest of timber. When Senator Craig and I started that effort, the two sides were 180 degrees apart, and virtually no one thought we could bring them together. But with getting our sleeves, we were able to do it.

When Ms. Norton was kind enough to come visit me at my office, I asked her to bring to the committee specific examples of how she would try similar efforts on other longstanding conflicts, such as the Endangered Species Act. I thought for a long time that it was extremely important to relieve some of the redtape and bureaucratic requirements that are smothering us, for example, under the Endangered Species Act, and I believe that can be done without destroying the mission of that critical statute. That would be the kind of thing that I would like to see the Secretary of the Interior take on and bring together these rival camps in an effort to find common ground.

But she didn't give us those examples at the hearing that was scheduled. I asked—not just when she came to the committee office, but at the hearing—for specifics where she might work to try these common ground efforts that are so important, but none were furnished.

So I will be a reluctant vote on Ms. Norton. I strongly hope that her record proves me wrong. As I stated in the committee, it would not be the first time, nor the last time, that that was the case. I hope Ms. Norton goes on to lead the Interior Department and that she will work with the Senate to find ways to do what the President of the United States is asking us in natural resources and other areas, and that is to unite, not divide. On that important objective articulately stated by the President of the United States, Norton will always have my assistance.

I yield the floor.

The PRESIDING OFFICER. The Senator from California, Mrs. Feinstei, has 10 minutes.

Mrs. Feinstein. I thank the Chair. Mr. President, I associate myself with the comments made by the ranking member, the distinguished Senator from New Mexico, Mr. Bingaman. My assessment of this nominee is approximate. The same holds true for her, and I want to take a few moments to explain to this honorable body why I will vote for her. I am a new member of the Senate Energy and Natural Resources Committee. As such, I had the opportunity to hear her answers to questions presented firsthand, and I also had an opportunity to talk with her in my office. I talked with her about specific California issues. The first was something called CALFED, the California Aqueduct decision; third, oil drilling off the coast of California; fourth, the land and water conservation fund.

I think virtually all Members of this body know about the energy or electricity crisis in California, but I think what perhaps many Members of this body might not understand is that water is close behind.

Beginning in 1993, I asked Interior Secretary Babbitt if he would sit down and meet with the so-called water constituencies in California—the agricultural farmers, the environmentalists, the urban water users, a group called stakeholders in California’s water future. As often said, whiskey is for drinking but water is for fighting. Lawsuit after lawsuit had characterized the situation with respect to water.

The basic fact is that California has a water infrastructure for 16 million people. That is when it was built, when Pat Brown was Governor. Today the State has 34 million people, and it will be 50 million people within 20 years—with the same water infrastructure. That is not good for the ecosystem, not good for the largest agricultural State in the Nation, and it is certainly not good for clean drinking water for the people of California.

To make a long story short, this CALFED venture culminated last year in an agreement between the Governor of the State and the Secretary of the Interior called “A Plan for Action.” That plan for action involved the State water project, which is the California water project, and the federally run,
Ms. Norton has agreed to do both. She has agreed to take a good look—I know she has called the Office of Management and Budget and advocated for the CALFED program because we were called by OMB and they said that she had done so. Secondly, she has assured us that she will appoint a high-level official to oversee the various meetings with the stakeholders.

So you see, 1 environmental priority this year is the authorization and the appropriation of the first year of a new CALFED program. I believe she has an open mind. I think she understands the importance of water. I think she understands the outdated nature of the water infrastructure, the struggle to keep the salmon running, to keep high-quality water for people to drink, and enough water to be able to produce what is in excess of a $25 billion agricultural industry.

I also discussed with her the recent 15-year Colorado River agreement, which has been now agreed to by seven States, which will ensure that California will receive no more than its annual allowance of 4.4 million acre feet of water from the Colorado River.

The fact is, because of this water shortage, California has been over drawing the Colorado River allotment by some 800,000 acre feet a year. Southern California, which uses water from the Colorado, has employed all sorts of additional water conservation methodology, water recycling and water transfer measures, to ensure that there will be enough water for the other States.

I am a strong supporter of this agreement. I would like to see it go forward. I believe this Secretary will do her due diligence on the agreement and also agree that it is a major and positive step forward for the seven affected States.

She has also categorically assured me that there will be no offshore oil drilling off the coast of California. That is something the people of California have very strong opposition to, and I believe she will keep her word.

We also spoke about the importance of the land and water conservation fund. I happen to believe it can be the most important environmental program. I think there is an accumulation of $13 billion in offshore oil revenues that can go for appropriation into the land and water conservation fund.

I supported a bill Senator MUKOWSKI and Senator LANDRIEU had put together my own bill, which would assure the appropriation of some of this money on a regular basis—approximately $900 million of that money.

I see the chairman of the Appropriations Committee on which I am a lowly member, and I know my appropriators don’t necessarily like being told how to appropriate. However, I can say this: I think the Land & Water Conservation Fund offers this Senate and the House of Representatives an opportunity for major improvements in our environmental legacy. I am hopeful that issue might be settled. I know there has been some significant opposition to Gale Norton. As a former Colorado attorney general, she has taken some positions with which I disagree. However, she had every right to do so.

I, for example, was troubled by her 1997 op-ed when she said there was no consensus on global warming. And quite categorically, to our committee, she stated that times have changed, and indeed they have. I believe that she has had an opportunity to reconsider her point of view and does in fact believe that global warming is real. I think what came through to me the most clearly when I had an opportunity to talk with her was that this is a very talented woman. She has strong skills. She is flexible. She is trying very hard to maintain an open mind, and I think it is very possible that she is going to do an excellent job as Secretary of the Interior.

At the very least, she has convinced me that she is willing to work on issues in a bipartisan fashion. She is willing to address the difficult issues which will confront her, as I believe she will, and of course it was thought I can pick up the phone and call her and that she will, A, either return that call, or, B, listen to my concerns and try to work them out. As a Senator from the largest State in the Nation, that means a great deal to me.

I want to say one thing. I returned last night from Switzerland where I attended the World Economic Forum. I cannot tell you how deeply troubled other nations are by the fact that, as they see us as unwilling to put forward a major environmental presence. They express concern that the United States, with 4 percent of the world’s population, uses 25 percent of the energy. They are concerned about global warming—particularly nations that are low lying that see the sea rising and have the possibility, within decades, of some of their coastal cities being wiped out. They are concerned about deforestation of the rain forest and the loss of wetlands, and they need the clean air and clean water. I share their concerns. I believe this new Secretary of the Interior will also share these concerns as the chief steward of land managed by the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, and the U.S. Geological Service.

In California alone, this includes the Mojave National Preserve, Yosemite, Joshua Tree, and Death Valley National Parks.

She has a tremendous responsibility. I end my remarks by saying, once again, that she is a talented woman. She is flexible. She is committed, I believe, and she has the opportunity to be a very positive Secretary of the Interior. I will be very happy to cast my vote for Gale Norton.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from Louisiana was ahead of me. I will be pleased to wait for him, if Senator BINGAMAN would like me to do so.

Mr. BINGAMAN. Mr. President, I don’t know where he is. I suggest the Senator from Alaska go right ahead.

Mr. STEVENS. Thank you.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am very pleased to come to the floor to support the nominations of Gale Norton to be Secretary of the Department of the Interior. She has a proven record as a public servant and the credentials, experience, and character to be a great Secretary of the Interior. I know a little bit about this Department. I was at the Interior Department during the days of President Eisenhower first as a legislative counsel, then as Assistant to the Secretary of the Interior, Fred Seaton, and then as the Solicitor of the Interior Department. I recall that in those days we had informal meetings with Members of Congress to discuss the real issues facing Federal land management, the people living and working near those lands. Those were nonpartisan talks that assured the success of later more formal administrative and legislative initiatives during the Eisenhower administration.

In Alaska, one third of the lands are managed by the Bureau of Land Management, two thirds of the lands managed by the National Park Service, and almost 90 percent of the lands managed by the Fish and Wildlife Service. All of these three agencies and the Department of the Interior, and one quarter of all the lands under the management of the Interior Department have been declared to be wilderness by the U.S. Congress and not available for our use.

Many of Alaska’s Native people, as well as other Alaskans, live within the boundaries of these Federal conservation areas that have been withdrawn. They make their livelihood off of the land, and many times there are conflicts between our people and the Department or the Interior.

As an Alaskan, I am very pleased to support Gale Norton because of her background, and as a Senator, I say to
my colleagues that we are most fortunate to have this brilliant young woman as a guardian of our Nation’s lands and native people. As a lawyer, she will look beyond rhetoric. As a former Interior Department official, she will understand the duty and stewardship of the transition of this Department. As a former attorney general of a Western State, she will remember the communities and the people who neighbor Federal lands under her jurisdiction. I shall vote for her nomination and welcome the opportunity to do so.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. Mr. President, I see the Senator from Idaho seeking time. May I ask how much he might require at this time? I yield 12 minutes, and I think Senator Bingaman and I agree that when Senator Breaux returns, he will be recognized. I also am under the impression that Senator Warner will be coming to the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank my colleagues, the chairman of the Energy and Natural Resources Committee, for yielding me time to speak on behalf of the nomination of Gale Norton as Secretary of the Interior. As someone who knows Ms. Norton, I commend her to my colleagues as an Interior Secretary who will cooperate with Congress and collaborate with States and local governments and communities of interest affected by her Department’s decisions.

I also commend her to my colleagues as a person who demonstrated in her two days of testimony before the Committee on Energy and Natural Resources that she possesses the balanced views and judgment and personality required to be a Secretary of the Interior. That was perhaps somewhat of a surprise. I think, to some of our committee members who had heard about Ms. Norton only through the advertisements of a $2 million media campaign waged against her nomination by national environmental groups. I don’t believe it has been since Jackie Gleason—and we remember Jackie Gleason, fist doubled up, face flushed—railing against his Honeymooner’s neighbor by the name of Norton. We kept hearing “Norton, Norton.” I don’t think we have heard that name Norton, spoken with so much venom since the days of Jackie Gleason. Unfortunately, national environmental groups literally have become the Ralph Cramden of the advocacy community—overbearing, overpowering; who will overrule—in their case, with foundation money that could have been so much better spent on on-the-ground conservation priorities.

The Senate confirmation process is also a bit of an acronym in this era of 24/7 news coverage and continuous campaigning. Every elected official knows, as we all must understand, the peril of letting an attack against a candidate or a legislative proposal go unanswered within a 24-hour news cycle. And yet, to protect our prerogatives as Senators in this process that we are talking about today, we insist that nominees for public office remain silent until they appear before us for their confirmation hearings.

At those hearings on January 18 and 19, Ms. Norton finally was able to speak about what she believes and who she is. The contrast with what was falsely portrayed in 3 weeks of intensified interest group advertising was stark and it was vivid. It contributed, I think, to the overwhelming vote by the committee in favor of her confirmation.

Two themes, in particular, that emerged from her testimony, deserve the close attention of all of our colleagues. First, this is an Interior Secretary who is committed to working with Congress. That is a refreshing and important part of her opening statement, as well as in several thoughtful responses to questions. Ms. Norton expressed her commitment to working with Members of Congress from both sides of the aisle to develop bipartisan solutions to difficult natural resource problems. This is a sharp contrast to her predecessor who made no secret of his disdain for the congressional authorizing committees as little more than “highly partisan debating societies” that were staffed by “munchkins” and that do “nothing more than “wrangle a lot” about the issues of the day. I also doubt that we will see Ms. Norton walk off camera during a “20/20” interview, swearing under her breath.

Second, this is an Interior Secretary who is committed to listening and working with the people affected by her decisions. She said:

I am firmly committed to a process of consultation and collaboration. We should listen to all voices and that is fair. It is also wise. People are magnanimous for ideas, for knowledge, for insight. I have lived and worked here in Washington. I have worked in the great American West. Those of us in Washington need to be good partners with Americans. People hold many different views in different perspectives. We need to work with them, to involve them, to benefit from their creativity and their capacity to innovate.

What a refreshing statement compared with the Secretary of the Interior who has now just left this city. I submit to my colleagues that, whatever our differences with one another, we should bring an open mind and willingness to listen to the concerns of others and whatever differences some or all of us may ultimately have with the new administration, starting off with the Secretary of the Interior who is committed to being a listener is a very good place to begin. As she so eloquently said at her confirmation hearing, “Using consultation and collaboration, forging partnerships with interested citizens, together we can all succeed in our effort to conserve America’s most precious resources.”

I urge my colleagues to vote favorably for the nomination of Gale Norton to be Secretary of the Interior of the United States. Our environment, our public lands, and the Nation as a whole depend upon it.

I yield the floor.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. To clarify, prior to my colleague from Colorado coming to the floor, we had an agreement that Senator Breaux would be the next recognized speaker, and Senator Breaux did show up, so I guess we will have to live with that.

Mr. ALLARD. That will be fine. I am happy to wait until the Senator finishes.

Mr. MURKOWSKI. I thank Senator Breaux wanted about 8 minutes.

Mr. BREAUX. More or less.

Mr. MURKOWSKI. The Senator from Colorado will be recognized.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. It is Breaux by a nose.

Mr. President, I thank my colleagues for making time available on this very important nomination as to who is going to be the new Secretary of the Interior, a very important position for all Americans. We as a nation have a major interest in knowing that the person who is to be in charge of the managing of all of our public lands and much of our public resources is going to be a person who brings a balanced philosophy to that task. It is an immense task for which I imagine no one who would be nominated would ever be considered the perfect nominee.

What I mean by that is it seems to me there will be some, and I think a minority of people in both camps, who would say they would perhaps like to have a Secretary of the Interior who would bring almost no management responsibilities to that task, who would say we should let the private sector develop the resources of this country in whatever way they saw fit. There is probably another group of people in the country—again a very small number—who would say no, when it is public lands, they cannot be utilized for private purposes ever; that it should be micromanaged by the Federal Government out of Washington; you can limit activity to only what is absolutely needed.

I think the better philosophy for this very important job is to bring a balance. In my conversations with Gale Norton, I have come to the conclusion that she is a person who can bring a
management-type philosophy to this job.

Neither of the two extremes that I describe will probably be very happy with the approach she uses. Some will say in many cases she is being far too restrictive and limits to too much detail what can be done on our public lands. Others will say she is not being aggressive enough in allowing for development on these resources.

The purpose of the refuge. The purpose of the refuge. Where there is already a major pipeline running from Prudhoe Bay down to Valdez, is an ecosystem that can allow for exploration and production in a manner that would be compatible with the purpose of the refuge.

I argue the refuges in Louisiana where we have that type of production are much more complicated. We have much greater abundance of wildlife than they do in ANWR. We have everything from alligators to fur-bearing animals, to waterfowl, ducks, geese, shrimp, oysters, and fin fish, all within the same ecosystem in a very fragile wetland area. I argue that under those circumstances, I argue that certainly ANWR can also allow for the compatible exploration and production in their area if it is done carefully in a managed fashion.

As far as whether potentially available in that area, they tell me the latest estimates are that it could produce up to 1.5 million barrels a day of oil for at least 25 years, a sum that is equal to nearly 25 percent of our daily oil consumption.

Some people say: That is not that much. Yes, it is. It is a considerable amount, and if you look at California, which is experiencing blackouts and operations which are being curtailed because of either a lack of energy or because of the high cost of energy, how can we say that we are going to just build a fence around an area which will potentially be the second largest energy-producing region of all of North America? We have to take a balanced approach, look at it carefully, look at what we have done in other areas, and then make a decision not based on emotion but based on the facts of the situation.

When I spoke with Ms. Norton and listened to what she was thinking of doing, that was a balanced position she would bring to this job. I am pleased to stand and urge my colleagues to support her. This Congress will watch carefully how she conducts the affairs of the Department of the Interior because this is something that affects all Americans, whether you are a Westerner, a Southerner, or someone in an urbanized area in New England. I think she can do a good job, will do a good job, and I look forward to working with her.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I see my colleague from Montana seeking recognition, to be followed by Senator ALLARD from Colorado. Senator WARNER indicated an interest in speaking.

How much time does the Senator from Montana require?

Mr. BURNS. Mr. President, I will try my best to keep it under 10 minutes.

Mr. MURKOWSKI. I appreciate that and leave it up to the clerk to monitor the clock.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I am very glad to stand today and voice my support for Gale Norton as this country’s next Secretary of the Interior. After spending the last several months sitting in on her confirmation hearings, I am convinced she is the right person for the job. Not only am I impressed with her good ideas and her willingness to listen, but I am impressed with the balance of thought she will be bringing to the Department. She knows that the challenges in that Department are probably larger than any other department in Washington, DC. She also has a good idea about how she wants to deal with them.

As a member of the Energy and Natural Resources Committee and also a member of the Subcommittee on Interior Appropriations, I look forward to working with Ms. Norton. Confirmed as the next Secretary of the Interior, she will be called upon to appear in front of these committees, and she will ultimately be held responsible for the workings of the agencies under her supervision.

When we have questions or concerns about the National Park Service or the Bureau of Land Management, the Bureau of Indian Affairs, and the U.S. Fish and Wildlife Service, just to name a few, we will come to Ms. Norton and be grateful for that because I think what we are looking for, more than anything else, is balance instead of activism.

Like most Western States, Montana has a lot of public land, and we are affected every day by the decisions that are made regarding Federal land because they determine whether we will make a living or not in our State. Sometimes Government is a very good neighbor; sometimes it is not. I think Ms. Norton understands that, coming from a public lands State.

One thing in particular: Last year, the year 2000, we know how the fires swept across the West. No State was more affected than New Mexico or the State of Montana. In fact, Congress appropriated $1.6 billion to help fix the damage from the summer of 2000 and also to make sure we will be prepared should another catastrophe such as that happen again. We would rather that not be repeated.

In the year 2000, almost 1 million acres burned in Montana, some of it public. Plenty of the land was private, however, because private lands lay next to those forest lands—forest land, grassland, pasture land, homes, businesses, and everything in between. It was a dark, dark summer for us in Montana.

We are approaching spring again, and the work is just beginning. We need to make sure the burned areas are maintained. Native plants are crowded out, wildlife habitat is compromised, livestock-carrying capacity is reduced, and the condition of the land is jeopardized for future use.

So we need to get after it and get this land cleaned up, making sure those lands that are remaining now are
protected because we are again looking at a very difficult time. Our snow pack is low again this year. We have not had moisture since before Christmas. Again, we are looking at another year that could be another drought year in Montana. We will need people who are not afraid to make decisions, make them quickly, and make the right decision that protects the land.

You have to appreciate Ms. Norton for another area, too. Under the previous administration, we withdrew a lot of our public lands, minerals management, resource management, and resource development. We have an energy crisis in this country. Maybe you are not affected by it now, but our friends from California are. The last time I looked around, California was still a part of this great country, which makes us concerned about what happens to our good friends in California.

It is just not a California problem. If you come from the Northwest, where we produce an abundance of electrical power, you see that power sucked away from our area, going to California. I do not begrudge Californians the power. But I also have to be a little bit nervous about having power for the people in this country. But conservation will not do it alone.

We were very successful the last time we faced an energy crisis, when, way back in 1976, we did a lot of good through conservation. And we are still doing a lot of good through conservation. But we failed to build any more facilities to produce power, electricity. I will tell you, electricity does not come Republican or Democrat. I will tell you where it comes from. The first time that finger hits that switch, and these lights do not go on, it becomes a national crisis.

I think Ms. Norton will be able to play a vital role in resource management when it comes to solving some of the power problems and energy crises that we are facing today. When we look at public lands, energy development, and the energy crisis, public lands are vital issues. These things will be coming up again and again over the next few years because I truly believe the chairman of the Committee on Energy and Natural Resources probably has his hands as full as he wants in trying to deal with the energy crisis for all Americans. Because there is no doubt in my mind, if you want to pick one thing that is slowing down our economy, it is the tremendous increase in the cost of our energy. Access to those lands is very important.

In the cost of our energy. Access to those lands is very important. Mr. Warner, Mr. President, I want to finish up my statement on a personal note. I have three wonderful children. All of them are very active in philanthropic activities to protect the very things that I have enumerated here: our natural resources, wildlife, and the like. Their philosophy extends a little further than their old man’s philosophy on this. I tend to be a centrist, trying to strike a clean balance between the necessity for carefully expanding the protected areas of America, and husbanding our resources, while at the same time giving the private sector and, indeed, the States the rights to which they are entitled.

My children have all communicated with me within the past few days about this nomination. I have told them very clearly. I am going to support this nominee. Their request to me was this: Father, that’s fine, but keep a watchful eye.

So I made a commitment to my family that I shall keep a watchful eye. But I assured them that, in my judgment, this eminently qualified individual would pursue a balanced course of action between the many competing interests for the resources we have. And in the words of my children, once these resources are withdrawn, once they are developed, they are gone forever. And that is correct.

The Commonwealth of Virginia is home to some of our Nation’s greatest natural and historic resources—from the Shenandoah National Park, our Civil War battlefields throughout the region, to the wildlife refuges on the eastern shore. The 20 national parks in our Commonwealth have the highest visitor rate in the Nation. It surprises people when I make that statement. We are No. 5 in the nation and located here in the East. That is why I am the first eastern Senator to speak on behalf of this distinguished nominee. I feel very strongly about it.

My State is very actively engaged with the national park system. In fact, I have just taken the initiative to create another wilderness area in my State. In my 23 years in the Senate, I have been involved with a number of these wilderness areas, and I shall continue to press for the establishment and the preservation of these national...
Mr. ALLARD. Madam President, I thank the chairman for giving me an opportunity to respond.

I rise to respond to the comments from my dear friend and colleague from Oregon and also reemphasize the point that my colleague from Idaho had talked about in regard to Gale Norton, as Secretary of the Interior.

I agree with my colleague from Idaho that Gale Norton will be a listener. Even more than just listening, she is going to understand is because she has a broad background of experience. She started out her career actually working here in Washington, DC. She worked in the Department of Agriculture. Then she went over to the Department of the Interior and worked there as associate solicitor. Then she went back to the State of Colorado and was elected attorney general of the State of Colorado. She has been able to see issues from the Federal perspective, and she understands the responsibility the Federal Government takes on many of these issues.

She understands many of these issues from a State perspective because she has had to be a spokesman for the State. She understands Colorado, as various issues concerning the environment have come forward. Not only that, she has also served in the private sector. So as an American or as a Coloradan, she has had to deal with various laws that have been passed by the Federal Government. She understands many of these issues. She understands many of these laws.

As Secretary of the Interior, I urge our new Secretary to explore public/private partnerships. We have shown how a farmer can continue his or her operation and yet preserve that farm, while allowing visitors to come and study where historic battles, in the Shenandoah Valley for instance, were fought. It makes little difference to that visitor whether he or she is standing on Federal land or land that is in the family.

I urge our new Secretary to explore further opportunities in this area of public/private partnerships.

In addition to our historic battlefields, Virginia is blessed with critical habitat for migratory waterfowl in our coastal areas including the Eastern Shore. We are home to six major national wildlife refuges. These sites provide undisturbed lands for the American bald eagle, the peregrine falcon, and hundreds of migratory ducks and songbirds.

Throughout my Senate career I have been pleased to work with local governments and local citizen organizations to expand our national park and our wildlife refuge system in Virginia. Permanent preservation of these lands ensures that future generations will have a "hands on" experience and that our wildlife will be able to flourish.

I fully endorse the nomination of Gale Norton to be Secretary of Interior and I look forward to working with her to strengthen our national parks and wildlife refuges across this country.

(The remarks of Mr. WARNER pertaining to the introduction of S. 201 and S. 202 are printed in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. Madam President, I ask that the Senator from Colorado be recognized at this time. He asked for 10 or 15 minutes of consideration for the Presiding Officer (Ms. Collins). The Senator from Colorado is recognized.
which lets businesses review their own environmental compliance without risking regulatory wrath. The state has tangled with the U.S. Environmental Protection Agency over the last 14 months, beginning in 1994, two years after the Summitville debacle.

EPA’s own Summitville record isn’t spotless, as the feds squandered enormous sums accomplishing very little.

Summitville shamed Colorado. This newspaper, with its active environmentalist agenda, repeatedly lambasted the state-and EPA’s handling of the matter.

But far from causing the problem, Norton was among the civil servants trying to fix the messes under nearly impossible circumstances.

Mr. ALLARD. This appeared in the Denver Post on January 11. The headline is “The Blame for Summitville.” It makes two cogent points that I want to bring to the attention of the Members of the Senate. One of the paragraphs says:

In fact, Norton barely had been in office a year when the Summitville crisis broke in 1992. Theiasco’s roots instead had taken hold years earlier, with a conservative Republican legislature, and on the watch of a moderate Democratic Governor and attorney general, Roy Romer and Duane Woodard.

The article points out that “EPA’s own record isn’t spotless, as the Feds squandered enormous sums accomplishing very little.”

Gale Norton pursued this issue after getting into office. She reached in and tried to protect the assets of a company that was filing bankruptcy so as to get out of the responsibility of having to clean up that mine. She yanked them out of the bankruptcy proceedings and continued to hold them responsible.

The individual who followed Gale Norton as attorney general for the State of Colorado is Ken Salazar. He is a Democrat. Ken Salazar made a public statement in defense of the work of Gale Norton as attorney general for the State of Colorado as it applied to the Summitville Mine. He starts out his public statement by saying:

I believe former Colorado Attorney General Gale Norton knows the environmental issues of Colorado and the West, is smart, and has a passion for public service. She should be given a chance to serve as Secretary of the Interior.

It goes on to say:

In the past few days, former Attorney General Norton has been unfairly criticized concerning two issues: (1) her support for the environmental self-audit laws of Colorado; and (2) her role in the Summitville Mine environmental case in the Alamosa River watershed in southern Colorado.

Gale Norton’s position on Colorado’s environmental self-audit law has enjoyed very significant bipartisan support here in Colorado. The original self-audit bill had a Democratic sponsor and was signed into law by a Democratic governor. As a Democrat, I supported the environmental self-audit law because the law, when properly implemented, creates incentives for businesses to protect the environment. I have worked to resolve outstanding issues with the Environmental Protection Agency’s Department of Justice on Colorado’s law, and on April 14, 2000 I issued a formal opinion that sets forth the central legal principles of Colorado’s environmental self-audit law.

Concerning the Summitville Mine matter, the State of Colorado has been vigilant and aggressive in pursuing those responsible for the releases of pollution from the Summitville Mine. Former Attorney General Gale Norton supported the efforts to recover the proceeds from bankruptcy, and in 1996 she also joined with the United States of America in the lawsuit to recover expenses and natural resource damages from those involved in the Summitville mine.

So it is definitely an unfair accusation, as viewed by many of us in Colorado, Democrats and Republicans. I also ask unanimous consent that the statement by Attorney General Gale Norton be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF COLORADO ATTORNEY GENERAL KEN SALAZAR

Madam Chairwoman:

EPA’s own record isn’t spotless, as the Feds squandered enormous sums accomplishing very little.

It is our understanding that tomorrow the Senate will take up, at 2:45, three nominations and that we have 90 minutes, I believe, is that correct—110 minutes, rather.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Madam President, I have an extended statement, but I am sure the occupant of the Chair and others would be happy if I were a little brief.

Madam President, I think it is fair to say that we have had a pretty unanimous consensus here of those speaking on behalf of Gale Norton for Secretary of the Interior. We only have one Member who opposes her, and I suspect we will have others tomorrow, inasmuch as time will allow for additional Members to speak. I won’t try to judge the level of support. But I think it is fair to say, as chairman of the Energy and Natural Resources Committee, that we have had somewhat of a mandate within the committee makeup. We voted her out 18–2.

As I indicated earlier in my remarks, Ms. Norton has answered some 24 written questions, having sat through her 2 days of testimony. I found it rather humorous that, in spite of her willingness to answer the questions presented by the Members—as we all note the good work of our staffs and the staff to a large degree repeated many of those questions. Nevertheless, that is how it goes, and we all understand the procedure and the fact that the staff does keep busy supporting us.

In any event, I think to some extent, some of the characterizations of this particular nominee are what I object to. I think it is fair to say that it is not a partisan issue. There was a cartoon in New York Daily News depicting Norton as a flack for the child poisoning industry. In the public campaign promise to leave no child behind, it puts a slogan in her mouth: Leave no child alive. I don’t know. But...
I think many of us are of the opinion that the environmental groups that support this kind of—well, it is hard for me to describe words of that nature. But I think they have lost somewhat of their credibility with these over-the-top attacks. I think a question of courtesy, a question of what is decent, and what is over the line has happened here, and I think that is, indeed, unfortunate.

If I were a member of some of these environmental groups, I would like to know who made the decision to spend thousands and in some cases millions of dollars on advertisements in major newspapers that make false, inaccurate, inappropriate, and downright discourteous statements about her record.

It seems to me, as I have indicated, that when the facts aren’t on your side, you attack the person. That is what has happened here.

I was listening to the Senator from Florida at the little church I attend this Sunday. The priest made the comment: They can try to rub out the messenger, but they can’t rub out the message.

I thought of Gale Norton and her commitment to enforce the law. She gave her committee the assurance that she will enforce the law. To some extent, some of the criticism seems to cover her position on an issue that involves my State of Colorado, and that is the Atlantic seaboard. The criticism seems to be that somehow this area is in jeopardy by the Bush administration. And the experience we have had in the Arctic in drilling for oil and gas associated with Prudhoe Bay somehow has no parallel to the potential opening of this small area of the Arctic National Wildlife Refuge.

Few people consider that the area itself is about 19 million acres—about the size of the State of South Carolina. Even fewer recognize what has already happened in that area. But out of that 19 million acres, 9 million acres has been set aside by Congress in a refuge in perpetuity. That means Congress isn't going to change it; that is it. And 8½ million acres have been set aside in wilderness in perpetuity. But Congress left 1½ million acres, called the 1002 area, for a determination to be made at a future date whether it should be explored for oil and gas. The Secretary of the Interior has already opened it for public comment. I encourage the public to suggest alternative proposals to commercial development.

As a consequence, it should be pointed out that it is not her decision, nor will it be her decision as to whether or not this sliver of the Coastal Plain will be open. When I say "sliver," I am referring to specifically the realization that there is only 1½ million acres in the 1002 area to be considered by Congress, and industry tells us that with their new technology and ice roads and the realization that there is only a short 60 miles of pipe that would have to be extended over to the existing infrastructure of the Trans-Alaska pipeline where the 800-mile pipeline has been for some 27 years, that the impact would be minimal.

The Secretary of the Interior has said there won't be an impact, but it would be minimal. But the footprint is what is significant. It is estimated to be about 2,000 acres out of the million and half acres which is out of the 19 million acres. That is the perspective that our friends in the environmental community fail to recognize. They fail to recognize what we have learned in Prudhoe Bay for 27 years.

We have seen the habitat of the central Arctic herd during that timeframe, and those caribou increased dramatically from about 3,000 to 4,000 to the numbers currently of about 26,000 to 27,000. They are protected. The mild activity associated with that oil field does not alter their lifestyle, or their reproduction as evidenced by the fact that the herd has increased dramatically. To suggest somehow that this same situation can't occur in the 1002 area of ANWR flies in the face of realism.

But it is appropriate that in the few minutes we have, since this has come up continually in her nomination, that some of the inaccuracies by some of the defenders of wildlife and others is to do our best to generate membership and dollars—they are using fear tactics, they are using inaccuracies, and they are using irresponsibility. One of the statements that was made in the U.S. news wire of January 25 entitled "Defenders of Wildlife Launch Campaign To Save The Arctic Refuge" was "We know Americans overwhelmingly favor protecting the Arctic range." Of course, we all do. But they go further to suggest that the American public—an evidenced by public opinion polls, shows that two-thirds of Americans are against opening it. That is not related to any degree of accuracy.

The recent polling by the Christian Science Monitor on the issue was about 58 in favor of opening it and about 34 favor closing it. The Chicago Tribune had a poll limited to the Chicago area, which was about the same—about 52 to 53 percent favor. So public opinion, I think, is obviously an important factor in determining the eventual outcome.

But to suggest that public opinion opposes it is simply not true.

Further, the statement is made by the U.S. news wire that only the remaining 5 percent of Alaska's North Slope is not already on drilling. That is totally inaccurate, and not based on any fact. Factually, 14 percent of the 1,200-mile Coastal Plain is open. If you do not believe it, go to the Department of the Interior and try to get a lease there. Fourteen percent is open.

Further, Madam President, as we look at inaccuracies, we find that we are going to have on the web site an innovative computer animation on the issue narrated by an actor to tell the story of the polar bears and the cubs driven from their dens by the oil well on the refuge—the new pristine Coastal Plain. Of course, there is no oil well on this Refuge. There has never been driven. Further, if they had any degree of accuracy, they would recognize that the Coastal Plain is not the home of the polar bear. The polar bears actually den out on the Arctic ice.

As a consequence, it should be pointed out that in the 1991-92, 1992-93, and 1993-94 polar bear seasons, and the State of Alaska, and other sources, that approximately 10 to 12 polar bears have been identified as denning on that Coastal Plain area of ANWR. They simply don't den there. So it is quite infrequent. Now there are polar bears that come into Point Barrow. There are polar bears that come into the Prudhoe Bay area. What they don't say is that the greatest beneficiary of the polar bear is the non-natives that have the right to hunt them for trophy hunting. The law says that only the native people can take them for subsistence. If you want a polar bear, where do you go? Go to Canada.

I might add, some people in the Canadian government want to open this area. It could be because of the competitive posture as a supplier of energy to the United States. They look upon us as a potential competitor. That is all right. But the polar bear is a species that we are supposed to protect. In Canada you can go out and shoot one. In Russia you can shoot one, but you can't shoot one in Alaska. That has a lot to do with the longevity of the polar bear.

We have a web site now, an innovative computer animation about the polar bear, but it doesn't tell the true story about the polar bear. It is going to suggest the polar bear abandon her cubs because of the oil activity. It is simply not true.

Further, they say this is opening this area, sticking oil wells right smack in the biological heart of the wildest place left in America. They don't state that there is an Eskimo village there with 220 people living there. There are radar sites. I encourage every Member of the Senate who wants to voice an opinion on this to come to Alaska and take a look for themselves. Many Members have. We are extending an invitation at the end of March and early April to take Members up there so they can see for themselves. To suggest it is the biological heart of the wildest place left if America, I argue that point.

They call it America's Serengeti. That is an understatement. It is an interesting, beautiful, harsh, rugged environment. It is winter 9 months of the year. It is not a place that is warm, fuzzy and cuddly. It is home of the polar bear, wolves, musk ox, millions of migratory birds, caribou, and hundreds of other species. That is partially true. The one area that Congress set aside is different. It is not the home of...
the wolves or the musk ox and the birds that come through into the wilderness and the refuge. They further say there would be immense spills. They go one step further and suggest the greasy oil slick surrounding the Galapagos is somehow connected to the danger and exposure to this area.

It is paramount to recognize the connection between the nominee for the Secretary of the Interior and this particular issue. She will not be making the decision. She will simply be forwarding the facts to the Congress and to the administration surrounding whether or not it can be opened safely. I implore those following this debate to recognize one significant issue that concerns California today. If one will look at what has happened to California as a consequence of a decision made some time ago to depend on outside energy sources, the State of California, for their gas and for their electric, that effectively managed this department—an organization of 69,000 employees and an $8.4 billion budget—is not an easy task. The Interior Secretary is charged with overseeing the 379 parks of the National Park System, the 521 refuges and the 66 national fish hatcheries of the Fish and Wildlife Service, the 264 million acres of land managed by the Bureau of Land Management, and serving the needs of 1.4 billion Americans. Clearly, with a portfolio that broad, it is easy to see that the programs under the jurisdiction of the Secretary have a direct impact on every state in the union and nearly every American citizen.

I am aware of the controversy that has surrounded this nomination. I know that there are those who do not see Mrs. Norton as an ally. There have been many accusations made concerning the nominee’s public policy positions, and she has been, in my opinion, unfairly derided as a result of certain past working relationships. Despite this, I remain confident that, as Secretary, Gale Norton will be responsive to the concerns of the American people, particularly those concerns expressed by the Congress.

I have personally talked with Mrs. Norton, and while I will not say that we had an in-depth discussion of all the issues which come before the Interior Department, I will say with respect to those subject matters we did discuss, I found Gale Norton to be well informed. More importantly, I found her willing to consider various points of view. Obviously, Senators cannot expect a Cabinet Secretary to agree with us on all things at all times. But what we should expect is to have an opportunity to present our views, or present the case of those we represent, and to have those views heard in a fair and unbiased manner. I believe Mrs. Norton will deliver quite well on that expectation.

Madam President, I wish Gale Norton well as she embarks on a difficult assignment, and she will work with the Congress to ensure our land management and trust responsibilities to the American people in a fair, economical, and efficient manner.

MORNING BUSINESS

Mr. MURkowski. I ask unanimous consent the Senate now go into a period of morning business, with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

SENATOR SPENCER ABRAHAM TO BE SECRETARY OF ENERGY

Mr. BYRD. Madam President, I support the nomination of Senator Spencer Abraham as the next Secretary of Energy, and I look forward to working with him in his new position.

First and foremost, he will be facing a host of new issues at the Department of Energy. I welcome Senator Abraham as the next Secretary of Energy. If our ultimate national security, energy policy, science and technology, and environmental management.

The Department of Energy has been rocked by high profile scandals and security breaches and criticism for failing to address compounding energy policy problems. The Department of Energy has longstanding internal problems regarding agency morale, a complicated system of laboratories, the cleanup of DOE’s nuclear complex, and competition between fuel and industry interests. Secretary Abraham will have a defining role in determining the needs and priorities for our national security, energy policy, science and technology, and environmental management. And he will need to work with Congress in the development of a balanced, comprehensive national energy policy.
interests are ever to be achieved, we must address the overarching concerns witnessed by the current price hikes in gasoline, home heating oil, electricity, and natural gas. Though I am certain that, in time, these crises will pass as most crises do, I fear that, as a nation, we will sink back into energy complacency. The alarm bells are ringing loudly today, and it is time to wake up and address our need for a serious comprehensive national energy strategy. At the same time, a comprehensive energy strategy must also incorporate strong environmental policy and economic incentives to benefit our nation as a whole.

The new Energy Secretary agreed with me that coal is integral to any national energy strategy. When I met with him, we discussed Clean Coal Technologies and other research that can utilize many of our domestic energy resources in economically and environmentally sound ways. Since 1985, when I established the Clean Coal Technology initiative with a Congressional authorization of $750 million, more than $24 billion has been invested in this successful program. Secretary Abraham voiced Administration support for these efforts. By utilizing our nation’s knowledge and resources, we can meet our energy demands while also improving the environment.

Additionally, I urged the new Energy Secretary to find ways to address the global climate change challenge. I hope he will continue to support long-standing initiatives that can address climate change as well as find more ways to deploy our advanced technologies in the market, both domestically and internationally. These new technologies and ideas have been paid for by the American people, tested in our laboratories, and demonstrated with the support and assistance of the private sector, and must be deployed if the global community is ever going to seriously tackle the problem of global climate change.

In the coming months, there certainly will be debate over how best to protect the environment, without risking the economic security of our own country. Adopting a commonsense national energy policy that takes advantage of our advanced technologies, while also utilizing our vast energy resources, can be a win-win situation for the environment and the economy.

ADDITIONAL STATEMENTS

COMMENDING THE SPECIAL OLYMPICS ATHLETES, COACHES, AND SUPPORTERS

Mr. CRAPO. Mr. President, I rise today to commend the Idahoans who will participate in the 2001 Special Olympics World Winter Games in Anchorage, Alaska, this March 4th through 11th. The Special Olympics World Games is an event of Special Olympics, Inc. It is an international competition offered once every two years in Olympic tradition, alternating winter and summer games.

Chris Fonk of Burley and Wendy Newsom of Boise will compete in Alpine skiing. Eric Dille of Burley will be the Alpine skiing alternate. Chad Moe and Lacy Cummings, both of Lewiston, will compete in Nordic skiing. Janet Bush of Mountain Home and Jeff Frost of Pocatello will be the Nordic skiing alternates. April Empey of Blackfoot, Chris Blair and Dennis Knifong of Boise will compete in snowshoeing.

Snowshoe coach, Terry Kinkead of Burley, and Nordic coach, Manny Sheihany of Moscow, will also take part in the 2001 World Winter Games. The efforts of Terry, Manny, and so many other coaches, volunteers, and supporters has helped the Idaho Special Olympics program offer the opportunity to benefit through sports training and competition to thousands of people with mental retardation.

In turn, every Special Olympics competition leaves its spectators with a better understanding of people who may have special needs. Through their spirited participation, we learn that these athletes appreciate challenges and benefit greatly from encouragement. We are shown that excellence is a matter of passion and determination. Most important, we are made to realize that the emotional and spiritual health of people with special needs is largely a reflection of the respect and acceptance they receive in their community at large.

I am very proud of these Idaho athletes, their coaches, and their supporters. Special Olympics enlighten us, and then leave our souls soaring.

TRIBUTE TO JOHN A. VATTES

Mr. SMITH of New Hampshire. Mr. President, I rise today to honor John A. Vattes, Staff Accountant for the New Hampshire Housing Finance Authority, upon his retirement.

John, who received two Associate Degrees from Hesser College, has faithfully served the New Hampshire Housing Finance Authority and the surrounding community for many years. In addition to holding the position of Staff Accountant at the New Hampshire Housing Finance Authority, he has also been the Supervisor of Large Power Billing for Public Service Company of New Hampshire for thirty years. I applaud his hard work and dedication in these positions.

In addition to giving to the New Hampshire Housing Finance Authority and Public Service Company of New Hampshire, John worked tirelessly on New Hampshire political campaigns for former U.S. Senator Gordon J. Humphrey. John has also been a trusted and longtime friend to me for my Congressional elections since the beginning of my political career. He has worked diligently on behalf of New Hampshire political candidates on the local, state and federal levels for over two decades.

A veteran of the Korean conflict, Vattes served New Hampshire and his country with honor as a member of the U.S. Marine Corps. He has worked selflessly within his local community for the South Little League in Manchester for six years as player agent and has served as a member of the Knights of Columbus.

John Vattes is truly an extraordinary individual and loyal friend. He has devoted countless hours as a volunteer in his community while still finding time for his family. He and his wife of 40 years, are the proud parents of four children: Wendy, Lori, Mark and Shane. John enjoys leisure time pursuing his personal hobbies which include politics, reading, chess, exercising and traveling.

I commend John Vattes and wish him the best upon his retirement. It has been a pleasure to work with him in the years past, and it is truly an honor to represent him in the U.S. Senate.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–418. A communication from the Trial Attorney of the Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Power Brake Regulations: Freight Power Brake Revisions” (RIN2190–AH16) received on January 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–419. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report relating to tobacco and nicotine health education for the years 1998 and 1999; to the Committee on Commerce, Science, and Transportation.

EC–420. A communication from the Chief Counsel of the National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Technology Opportunities Program” (RIN0660–ZA06) received on January 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–421. A communication from the Assistant Administrator for Fisheries, National
transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (61)” (RIN2120-A65(2001-0007)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-449. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (32)” (RIN2120-A65(2001-0006)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-450. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Agusta SPA Model A109E Helicopters” (RIN2120-AA64(2001-0063)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-459. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 737, 747, 757, 767, and 777 Series Airplanes” (RIN2120-AA64(2001-0063)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-460. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Agusta SPA Model A109E Helicopters” (RIN2120-AA64(2001-0063)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-461. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Learjet Model 60 Airplane” (RIN2120-AA64(2001-0061)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-462. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Pratt and Whitney PW4168, PW4168A Series Turbofan Engines” (RIN2120-AA64(2001-0070)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-463. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: McDonnell Douglas Model MD-90-30 Series Airplanes” (RIN2120-AA64(2001-0069)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-464. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Walnut Ridge, Arkansas” (RIN2120-AA66(2001-0016)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-465. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Wainwright, Arkansas” (RIN2120-AA66(2001-0015)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-466. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Schweizer Aircraft Corp Model 289A, 289A1, 289B, 289C, 289C1, 289D, and TH-55A Helicopters” (RIN2120-AA64(2001-0068)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-467. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Dornier Model 328-100 Series Airplanes” (RIN2120-AA64(2001-0070)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-468. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Agusta SPA Model A109A and A109A II Helicopters” (RIN2120-AA64(2001-0071)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-469. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 747, 757, 767, and 777 Series Airplanes” (RIN2120-AA64(2001-0063)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-470. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Agusta SPA Model A109A and A109A II Helicopters” (RIN2120-AA64(2001-0071)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-471. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Eurocopter Deutschland Model EC135P1 and T1 Helicopters” (RIN2120-AA64(2001-0053)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-472. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Model A330 B2 and B4 Series Airplanes; and Model A300, A4600, A380, B4-600R, and B4-600ER Series Airplanes” (RIN2120-AA64(2001-0053)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-473. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Eurocopter Deutschland Model EC135P1 and T1 Helicopters” (RIN2120-AA64(2001-0053)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-474. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 777-200 Series Airplanes” (RIN2120-AA64(2001-0074)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.
EC-477. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 747-400 Series Airplanes” ((RIN2120-AA64)(2001-0055)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-478. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: S.N. Saab Aircraft Company Beech Models A36, B96TC, and 18 Airplanes” ((RIN2120-AA64)(2001-0056)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-479. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Raytheon Aircraft Company Beech Models A36, B96TC, and 18 Airplanes” ((RIN2120-AA64)(2001-0057)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-481. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: S.N. Boeing Aircraft Company 747-200 Series Airplanes” ((RIN2120-AA64)(2001-0058)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-485. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Eclipse Corp. Rockwell AE100 Series Airplanes” ((RIN2120-AA64)(2001-0060)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-486. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Raytheon Model Hawker 800XP Series Airplanes” ((RIN2120-AA64)(2001-0041)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-487. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: SAAB Model 340B Series Airplanes” ((RIN2120-AA64)(2001-0042)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-488. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Model A319, 320, 321, Series Airplanes” ((RIN2120-AA64)(2001-0043)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-489. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: McDonnell Douglas Model MD-11 Series Airplanes” ((RIN2120-AA64)(2001-0044)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-490. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: SAAB Model 340B Series Airplanes” ((RIN2120-AA64)(2001-0045)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-491. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: McDonnell Douglas Model DC-9, 19, 20, 30, 40, and 50 Series Airplanes; and C-9 Airplanes” ((RIN2120-AA64)(2001-0046)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-492. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Model A330, 340, and 380 Series Airplanes” ((RIN2120-AA64)(2001-0047)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-493. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes” ((RIN2120-AA64)(2001-0048)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-494. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Vulcainair SpA models P 68 “OBSERVER”, P68 “OBSERVER”, P68 “OBSERVER” Airplanes” ((RIN2120-AA64)(2001-0059)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-495. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bombardier Model C1 601 A11, CL 600 2A12, and CL 600 2B16, Series Airplanes” ((RIN2120-AA64)(2001-0058)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-496. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bell Helicopter Textron Inc. Model 206A-1, 206-B, 212, 412, and 412CF Helicopters” ((RIN2120-AA64)(2001-0060)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.
EC–508. A communication from the Special Assistant of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations. (Lewistown, Montana)” (Docket No. 99-58) received on January 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–509. A communication from the Special Assistant of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Strattonville and Farmington Township, Pennsylvania)” (Docket No. 98-29) received on January 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–510. A communication from the Special Assistant of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Susquehanna and Hallstead, Pennsylvania)” (Docket No. 98-29) received on January 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–511. A communication from the Special Assistant of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations. (Richmond, Virginia)” (Docket No. 00-97) received on January 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–512. A communication from the Special Assistant of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Florence–Graham, Arizona)” (Docket No. 00-107) received on January 16, 2001; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted.

By Mr. THOMPSON, from the Committee on Governmental Affairs:
Special Report entitled “Report of the Committee on Governmental Affairs United States Senate and its Subcommittees for the One Hundred Fifth Congress”.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. SCHUMER, and Mrs. MURRAY):

S. 193. A bill to authorize funding for Advanced Scientific Computing Programs at the Department of Energy for fiscal years 2002 through 2006, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 194. A bill to authorize funding for successful reentry of criminal offenders into local communities; to the Committee on the Judiciary.

By Mr. FRIST:

S. 195. A bill to amend the Elementary and Secondary Education Act of 1965 to establish programs to improve student teacher retention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOXER:

S. 196. A bill to amend the Internal Revenue Code of 1986 to provide a refundable personal credit for energy conservation expenditures, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. EDWARDS (for himself and Mr. HOLLINGS):

S. 197. A bill to provide for the disclosure of the collection of information through computer software, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BURNS, Mr. CONRAD, Mr. CRAPO, Mr. DORIAN, Mr. JOHNSON, and Mr. Smith of Oregon):

S. 198. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 199. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to oversee the competitive activities of air carriers following a concentration in the airline industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID:

S. 200. A bill to establish a national policy of basic consumer fair treatment for air passengers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER:

S. 201. A bill to require that Federal agencies be accountable for violations of anti-discrimination and whistleblower protection laws, and for other purposes; to the Committee on Governmental Affairs.

By Mr. WARNER:

S. 202. A bill to rename Wolf Trap Farm Park for the Performing Arts as “Wolf Trap National Park for the Performing Arts”; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NICKLES (for himself, Mr. DURBIN, Mr. FITZGERALD, Mr. GRAHAM, Mr. HARKIN, Mr. KYL, Mr. INHOEFER, and Mr. BINGAMAN):

S. Con. Res. 4. A concurrent resolution expressing the sense of Congress regarding housing affordability and ensuring a competitive North American timber market for softwood lumber; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. SCHUMER, and Mrs. MURRAY):

S. 193. A bill to authorize funding for Advanced Scientific Research Computing Programs at the Department of Energy for fiscal years 2002 through 2006, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN, Mr. President, I rise today to introduce a bill authorizing the Secretary of Energy to provide for the Office of Science to develop a robust scientific computing infrastructure to solve a number of grand challenges in scientific computing. This bipartisan bill, which is referred to as the “Department of Energy Advanced Scientific Computing Act” is co-sponsored by Senators CRAIG, SCHUMER, and MURRAY. Before discussing this program in detail, let me briefly frame the proposed effort. First, I will outline the tremendous advances made in the last decade for scientific computing. Second, I will give a few examples of the “grand challenges” in scientific computing. Third, I will discuss how the proposed program at the Office of Science will give our nation’s scientists the tools to meet these grand challenges. I will conclude by demonstrating how this program integrates with defense related computing programs at the DOE and across the interagency.

Experts agree that scientific computing R&D is at a critical juncture. If the breakthroughs proceed as predicted, the information age could affect our everyday lives far beyond what we can now imagine. In the future, understanding the potential and implications of scientific computing will be as important as knowing about the atomic bomb. It is increasingly important that we, as a nation, ensure that the U.S. maintains a leadership role in scientific computing R&D. If we fall behind in this rapidly changing field, our nation could lose its ability to control the national security, economic and social consequences from these new information technologies.

What are the possible breakthroughs in scientific computing that merit such strong programmatic attention? Within the next few years we expect that advanced scientific computing machines will achieve peak performance speeds of 100 teraflops or 10 trillion
 arithmetic operations per second; that is 100 times faster than today’s most advanced civilian computers. To put things in perspective, the fastest Pentium III available today can perform about 2 gigaflops (2 billion operations per second) at a cost of about 50,000 times faster than today’s fastest Pentium III. We call this new wave of computing “terascale computing”. This new level of computing will allow scientists and engineers to explore problems at a level of accuracy and detail that was unimaginable ten years ago. I will discuss the scientific and engineering opportunities in more detail later. First, let me discuss some of the challenges in terascale computing.

The major advance that led to terascale computing is the use of high-parallel computer architectures. Parallel computers send out mathematical instructions to thousands of processors at once rather than waiting for each instruction to be sequentially completed on a single processor. The problem we face in moving to terascale computers is writing the computer software that utilizes their full performance capabilities. When we say “peak” speed, we mean the ability to use the full capability of the computer. This happens very rarely in parallel computers. For example, in 1990 on state-of-the-art Cray supercomputers with eight processors, we could obtain only 5–10 percent of the machine’s “peak” speed. Today, with massively parallel machines using thousands of processors, we often obtain only 5–10 percent of the machine’s “peak” speed. The issue is how to tailor our traditional scientific codes to run efficiently on these terascale parallel computers. This is the foremost challenge that must be overcome to realize the full potential of terascale computing.

And, as we face as we move to terascale computing is the amount of data we generate. Consider the following. Your PC, if it is one of the latest models, has a hard drive that will hold about 10 gigabytes of data. If we successfully begin to implement terascale computing, we will be generating “petabytes” of data for each calculation. A petabyte of data is one million gigabytes or the equivalent of 100,000 hard drives like the one on your PC. A teraflop machine user will make many runs on these machines. Raw data isn’t knowledge. To turn data into knowledge, we must be able to analyze it—to determine what it is telling us about the phenomena that we are studying. None of the data management methods that we have today can handle petabyte data sets. This is the second challenge that must be overcome.

And, many more challenges exist. To make effective use of today’s and the next generation of computers we need to establish a scientific program that is radically different from what researchers are used to today. Future scientific computing initiatives must be broad multi-disciplinary efforts. Tomorrow’s scientific computing effort will employ not only the physicist who wishes to probe the minute details of solid matter in order to say, built a better maglev train, but also the computer scientist to help ensure that the physicist’s software makes efficient use of the terascale computer. Terascale computing will also require mathematicians to develop specialized routines to adapt the solution of the physicist’s mathematical equations to these parallel architectures. Finally, terascale computers will require specialists in data networking and visualization who understand how to manage and analyze the massive amounts of data.

I note these problems to highlight the complexities of tomorrow’s scientific computing environment from the common information technologies that we employ today, because computing technology moves at such a rapid rate, elements of the issues that I have described will surely impact us in the near future. Given the impact information technologies have had only in ten years, it is important for us to see and understand the initiative in these breakthroughs so that we can positively control the impact that the these revolutionary technologies will have on our economy and the social fabric of our Nation.

What are the important problems that we expect terascale computing to address? We call these problems “Grand Challenges”. Terascale computing will enable climate researchers to predict with greater certainty how our planet’s climate will change in the future, allowing us to develop the best possible strategies and policy for addressing climate change. Terascale computing will help chemists understand the chemical processes involved in climate change. Terascale computing will translate these processes into more efficient, less polluting engines. Terascale computing will allow material scientists to design nanomaterials atom by atom, which will lead to stronger, yet lighter and hence more energy efficient materials. Terascale computing will assist nanoscience researchers by simulating atom manipulation before undertaking complex and expensive experiments. Nanotechnology will lead to whole new generations of computers, information systems, and stronger, yet lighter materials. Finally, terascale computing will enable biologists to understand the structure of the proteins encoded in the human genome, which will lead to better medicines and health for our citizens. These fundamental grand challenge problems are now addressable with the recent advances in scientific computing. Due to the impact the grand challenge problems will have on our lives, we as a nation must take the lead in their investigation.

What are the elements of the proposed effort? The program I propose will build on the Department of Energy’s decades of leadership in high performance computing and networks to ensure that terascale computing and petabyte data visualization becomes a positive force for the U.S. The proposed program has four parts. The first part is establishment of core teams of researchers who specialize in the grand challenge problem itself. An example of a core team is one made up of geologists and geochemists allied with computer scientists and applied mathematicians to write large software programs associated with the migration of oil or the diffusion of waste in the subsurface. The scientific simulation software created by these core teams will be the “engines” that drive the scientific discovery process. The second element of the program enhances the research efforts in computer science and computational mathematics that underlie this software development effort. These specialists will ensure that the core teams effectively use massively parallel computers—not at the current 5–10 percent of the computer’s peak running speed. These specialists will also develop the software to manage and visualize the petabytes of data that the core teams, as well as the next generation of experimental facilities generate. Third, this program will fund specialists to develop the networking and electronic collaboration software that will allow researchers all across the U.S.—in national laboratories, universities, and industry to routinely use petabyte data sets. This new networking capability will translate quickly to the private sector in the areas of medicine, business transactions, and education over the internet. Fourth, this program will fund the unique computer hardware required for scientific investigations of the “Grand Challenges” on a continuing basis. Many of the grand challenge problems will benefit from specialized computers. This program will fund such specialized computers. For instance, IBM will build in the year 2004 or 2005 a unique 1000 teraflops (1000 trillion operations per second) computer called “Blue Gene”. Blue Gene will be 500,000 times faster than your desk PC. This machine will be used by DNA researchers to predict the structure of proteins and in doing so allow drugs and medicines to be optimized before they are commercially produced. We propose to place these one-of-a-kind computers at national user facilities and make them available to U.S. researchers in national and government laboratories, universities, and industry.

In summary, we are proposing a program that will substantially advance our understanding of complex scientific phenomena that affect our daily lives. At the present we cannot fully understand and predict these phenomena or anticipate the impacts that they will have on our health and well-being. It is critical that we master it in our national interest so to benefit our nation and its people.
Overall, this program will integrate into other DOE advanced computing efforts and into our national strategy for advanced scientific computing. In FY01, the DOE National Nuclear Security Agency, NNSA, funded the Accelerated Strategic Computing Initiative or ASCI at $477 million dollars. ASCI's mission—to develop the capability to simulate the safety and surety of the nuclear weapons in our stockpile—is critical to the security of our nation. The ASCI program is a focused and classified program with one primary user—the nuclear weapons community. Its problems revolve around materials and plasmas undergoing rapid changes from a nuclear explosion. The Advanced Scientific Computing Program I am proposing is unclassified and covers many other areas of science critical to the long term well being of the nation. This program will involve interaction between researchers at the nation's federal laboratories, universities, and industry. That is not to say that there will be no integration between these two worthy and important efforts. Both efforts involve terascale computers, so clearly we expect that many of the central tools common to them in terms of software design and underlying software for networks and visualization will be shared. Both programs will benefit by the two diverse communities working towards the common goal of terascale computing. ASCI/NNSA will be able to infuse fresh ideas from the universities and industry on parallel architectures and data visualization into their efforts in ensuring the surety of our nation's nuclear weapons stockpile.

Within the U.S. Government, this effort will fall under the purview of the National Coordinating Office for Computing, Information and Communications, "NCO/CIC". This Office is charged with coordinating government-sponsored information technology research programs across all of the government agencies. The NCO/CIC provides a forum for DOE to coordinate its scientific computing program with information technology programs in NSF, DOD, NASA, NIH, NOAA, and other government agencies interested in high-performance computing. Although the DOE program is focused on its energy, environmental, and scientific missions, many benefits will be derived from its activities with related computing activities in other agencies. Finally, I note that in our national implementation plan for "Information for the Twenty First Century", the NSF and the DOE were given the leadership for "Advanced Scientific Computing for Science, Engineering and the Nation". The program I have outlined supports that role.

In summary, I have outlined a scientific computing program that will advance our ability to understand complex but important physical, chemical, and biological phenomena. Advancing our understanding of global climate change will lead to a better understanding on the relationship between our energy consumption and the climate on our planet. Mastering materials and chemical processes at an atomic level will enhance U.S. industrial competitiveness in many areas, such as energy efficient materials manufacturing and develop new computer chip technologies. Understanding the flow of contaminants in the ground-water will help develop better strategies for water purification and help commercial oil and gas extraction. Predicting the structure of proteins will lead to more effective drugs with minimal side effects. Beyond solution of the "Grand Challenges" are the advancements that will be made in advanced computing and networking technologies which will benefit users in areas as diverse as medicine and business. These problems are of national significance to the health of our citizens and our future economy in the 21st century.

By Mr. BIDEN.

S. 194, to authorize funding for successful reentry of criminal offenders into local communities; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, today I am proud to introduce the "Offender Reentry and Community Safety Act of 2001," a bill I first introduced last July. The bill is also a part of S. 16, the Democrat's omnibus crime legislation.

Too often we have short-term solutions for long-term problems. All too often we think about the issue of crime and criminal justice for the first time when we wake up one morning. It's time that we start looking forward. It's time that we face the dire situation of prisoners re-entering our communities with insufficient monitoring, little or no job skills, inadequate drug treatment, insufficient housing and deficient basic life skills.

According to the Department of Justice, 1.25 million offenders are now living in prisons and another 600,000 offenders are in local jails. A record number of those inmates—approximately 585,400 will return to communities this year. Historically, two-thirds of returning prisoners have been rearrested for new crimes within three years.

The safety threat posed by this volume of prisoner returns has been exacerbated by the fact that states and communities can't possibly properly supervise all their returning offenders, because they lack the education, job skills, stable family or living arrangements, and the substance abuse treatment necessary to help commercial oil and gas extraction.

We need to start thinking about what to do with these people. We need to start thinking in terms of helping these people make a transition to the community so that they don't go back to a life of crime and destructive behavior members of our society. We need to start thinking about the long-term impact of what we do after we send people to jail.

My legislation creates demonstration reentry programs for federal, state and local prisoners. The programs are designed to assist high-risk, high-need offenders who have served their prison sentences, but who pose the greatest threats to public safety because they lack the education, job skills, stable family or living arrangements, and the substance abuse treatment necessary to help re-integrate into society.

Innovative strategies and emerging technologies present new opportunities to improve reentry systems. This legislation creates federal and state demonstration projects that utilize these new strategies.

The projects share many core components, including a more seamless reentry system, reentry officials who are more directly involved with the offender and who can swiftly impose intermediate consequences, the projects follow the designated reentry plan, and the combination of enhanced service delivery and enhanced monitoring. The different projects are targeted at different prisoner populations and each have unique features. The purpose of the legislation is to establish the demonstration projects and then to rigorously evaluate them to determine

At least 55 percent of offenders are fathers of minor children, and therefore face a number of issues related to child support and other family responsibilities during incarceration and after release. Substance abuse and mental health problems also lead to concerns over community safety. Approximately 70 percent of state prisoners and 57 percent of federal prisoners have a history of drug use or abuse. Research by the Department of Justice indicates 60 and 75 percent of inmates with heroin or cocaine problems return to drugs within three months after treatment.
which measures and strategies most successfully reintegrate prisoners into the community as well as which measures and strategies can be promoted nationally to address the growing national problem of released prisoners.

There are currently 17 unfunded state pilot projects, including one in Delaware, which are being supported with technical assistance by the Department of Justice. My legislation will fund these pilot projects and will encourage states, territories, and Indian tribes to partner with units of local government and other non-profit organizations to establish adult offender reentry demonstration projects. The grants may be expended for implementing graduated sanctions and incentives, monitoring released prisoners, and providing, as appropriate, drug and alcohol abuse testing and treatment, mental and medical health services, victim impact educational classes, employment training, conflict resolution skills training, and other social services. My legislation also encourages state agencies, municipalities, public agencies, nonprofit organizations and tribes to make agreements with courts to establish “reentry court” pilot programs for returning offenders, establish graduated sanctions and incentives, and treat returning offenders for drug and alcohol abuse, and provide reentering offenders with mental and medical health services, victim impact educational classes, employment training, conflict resolution skills training, and other social services.

This legislation also reauthorizes the drug court program created by Congress in the 1994 Crime Law as a cost-effective, innovative way to deal with non-violent offenders in need of drug treatment. This is the same language as the “Drug Court Reauthorization and Improvement Act” that I introduced with Senator SPECTER last Congress.

Rather than just churning people through the revolving door of the criminal justice system, drug courts help these folks to get their acts together so they won’t be back. When they graduate from drug court programs they are clean and sober and more prepared to participate in society. In order to graduate, they are required to finish high school or obtain a GED, hold educational classes, employ-ment training, conflict resolution skills training, and other social services. They are also required to have a sponsor who will keep them on track.

This program works. And that is not just my opinion. Columbia University’s National Center on Addiction and Substance Abuse (CASA) found that these courts are effective at taking offenders with little previous treatment history and keeping them in treatment; that they provide closer supervision than other programs to both the offenders could be assigned; that they reduce crime; and that they are cost-effective.

According to the Department of Justice, drug courts save at least $5,000 per offender each year in prison costs alone. That says nothing of the cost savings associated with future crime prevention. Just as important, scarce prison beds are freed up for violent criminals.

I have saved what may be the most important statistic for last. Two-thirds of drug court participants are parents of young children. After getting sober through the coerced treatment mandated by the courts, these individuals are able to be real parents again. More than 500 drug-free babies have been born to female drug court participants, a sizable victory for society and the budget alike.

This bill reauthorizes programs to provide for drug treatment in state and federal prisons. According to CASA, 80 percent of the men and women behind bars in the United States today are there because of alcohol or drugs. They incurred their sentences or high when they committed their crime, broke an alcohol or drug law, stole to support their habit, or have a history of drug or alcohol abuse. The need for drug and alcohol treatment in our nations prisons and jails is clear.

Providing treatment to criminal offenders is not “soft.” It is a smart crime prevention policy. If we do not treat addicted offenders before they are released, they will be turned back onto our streets with the same addiction problem that got them in the first place and they will re-offend. Inmates who are addicted to drugs and alcohol are more likely to be incarcerated repeatedly than those without a substance abuse problem. This is not my opinion, it is fact. According to CASA, 81 percent of inmates with five or more prior convictions have been habitual drug users compared to 41 percent of first-time offenders. Reauthorizing prison-based treatment programs is a good investment and is an important crime prevention strategy.

This legislation is just a first step—but a necessary one. Someday, we will look back and wonder why we didn’t think of this sooner. For now, we need to implement these pilot projects, help people make it in their communities and make our streets safer at the same time. I am certain that in the end we will revel in the results.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

SEC. 1. SHORT TITLE. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. FINDINGS. (a) The Congress finds the following:

(1) There are now nearly 1,900,000 individuals in our country’s prisons and jails, including over 140,000 individuals under the jurisdiction of the Federal Bureau of Prisons.

(2) Enforcement of offender violations of conditions of releases has sharply increased the number of offenders in prison—while revocations comprised 17 percent of State prison admissions in 1980, they rose to 36 percent in 1996.

(3) Although prisoners generally are serving longer sentences than they did a decade ago, most eventually reenter communities; for example, in 1999, approximately 538,000 prisoners and over 50,000 Federal prisoners a record number were returned to American communities. Approximately 100,000 State offenders return to communities and received no supervision whatsoever.

(4) Historically, two-thirds of returning State prisoners have been rearrested for new crimes within 3 years, so these individuals pose a significant public safety risk and a continuing financial burden to society.

(5) A key element to effective post-incarceration supervision is an immediate, pre-determined, and appropriate response to violations of the conditions of supervision.

(6) An estimated 187,000 State and Federal prisoners and 57 percent of Federal prisoners have a history of drug use or abuse; and nearly 75 percent of offenders with heroin or cocaine problems return to using drugs within 3 months if untreated; however, few States link prison mental health treatment programs with those in the return community.

(7) Between 1987 and 1997, the volume of juvenile adjudicated cases resulting in court-ordered residential placements rose 56 percent. In 1997 alone, there were a total of 163,200 juvenile court-ordered residential placements. The steady increase of youth entry into residential placement has strained the juvenile justice aftercare system, however, without adequate supervision and services, youth are likely to relapse, recidivate, and return to confinement at the public’s expense.

(8) Emerging technologies and multidisciplinary community-based strategies present new opportunities to provide public safety at reduced cost and of being reentered into communities.

SEC. 3. PURPOSES. The purposes of this Act are to—

(1) establish demonstration projects in several Federal judicial districts, the District of Columbia, and in the Federal Bureau of Prisons, using new strategies and emerging technologies that alleviate the public safety risk posed by released prisoners while promoting their successful reintegration into the community;

(2) establish court-based programs to monitor and return offenders to communities, using court sanctions to promote positive behavior;

(3) establish offender reentry demonstration projects in the states using government and community partnerships to coordinate cost effective strategies that ensure public safety and enhance the successful reentry of communities who have completed their prison sentences;

(4) establish intensive aftercare demonstration projects that address public safety and ensure the special reentry needs of juvenile offenders by coordinating the resources of juvenile correctional agencies, juvenile courts, juvenile parole agencies, local workforce development programs, and local Workforce Investment Boards; and

SEC. 4. PURPOSES. The purposes of this Act are to—

(1) facilitate the development of demonstration projects in Federal judicial districts, the District of Columbia, and in the Federal Bureau of Prisons, using new strategies and emerging technologies that alleviate the public safety risk posed by released prisoners while promoting their successful reintegration into the community;

(2) establish court-based programs to monitor and return offenders to communities, using court sanctions to promote positive behavior;

(3) establish offender reentry demonstration projects in the states using government and community partnerships to coordinate cost effective strategies that ensure public safety and enhance the successful reentry of communities who have completed their prison sentences;
More seamless supervision, in preparing for home confinement, and a coordinated reentry plan shall involve appropriate prisoners and mentors to prisoners being released into the community corrections facility, who shall initially meet with the parolee to develop a reentry plan tailored to the needs of the prisoner and in- corporating victim impact information, and that will thereafter meet regularly to monitor the parolee’s progress toward reentry and coordinate access to appropriate reentry measures and resources;

2. regular drug testing, as appropriate;

3. a system of graduated levels of supervision within the community corrections facility to promote community safety, provide incentives for prisoners to complete the entry plan, and restrict prisoners who violate the terms of their release to more intensive supervision, and other programs toward reentry and coordinate access to appropriate reentry measures and resources;

4. substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, assistance obtaining suitable affordable housing, and other programs toward reentry and coordinate access to appropriate reentry measures and resources;

5. to the extent practicable, the recruitment and utilization of local citizen volunteers, members from faith-based and community organizations, to serve as advisers and mentors to prisoners being released into the community;

6. a description of the methodology and outcome measures that will be used to evaluate the program; and

7. notification to victims on the status and nature of offenders’ reentry plan.

(c) PRORATION OFFICERS.—From funds made available to carry out this Act, the Director of the Administrative Office of the United States Courts shall assign one or more probation officers from each participating judicial district to the Reentry Demonstration Project. Such officers shall be assigned to and stationed at the community corrections facility and shall serve on the Reentry Review Teams.

(d) SELECT OF DISTRICT.—The Reentry Center Demonstration project shall begin not later than 6 months following the availability of funds to carry out this section, and shall last 3 years. The Attorney General may extend the project for a period of up to 6 months to enable participating prisoners to complete their involvement in the project.

(e) SELECTION OF DISTRICTS.—The Attorney General, in consultation with the Judicial Conference of the United States, shall select an appropriate number of Federal judicial districts in which to carry out the Reentry Center Demonstration project.

(f) COORDINATION.—The Attorney General, may, if appropriate, include in the Reentry Center Demonstration project offenders who have previously violated the terms of their release following a term of imprisonment and shall utilize, as appropriate and indicated, community corrections facilities, home confinement, appropriate reentry measures and resources;

(g) PROJECT ELEMENTS.—The project authorized by subsection (a) shall include—

(1) a Reentry Review Team for each prisoner, to be designated to participate in the demonstration project. With respect to these offenders, the Attorney General, in consultation with the Director of the Administrative Office of the United States Courts, in consultation with the Attorney General, may, if appropriate, include in the Reentry Center Demonstration project offenders who have previously violated the terms of their release following a term of imprisonment and shall utilize, as appropriate and indicated, community corrections facilities, home confinement, appropriate reentry measures and resources;

(2) use of community corrections facilities and home confinement that, together with the technology referenced in paragraph (5), will be part of a system of graduated levels of supervision;

(3) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, and other programs toward reentry and coordinate access to appropriate reentry measures and resources;

(4) involvement of a victim advocate and the family of the prisoner, if it is safe for the victim(s), especially in domestic violence cases, to be involved;

(5) the use of monitoring technologies, as appropriate and indicated, to monitor and supervise participating offenders in the community;

(6) a description of the methodology and outcome measures that will be used to evaluate the program; and

(7) notification to victims on the status and nature of offenders’ reentry plan.

(2) Mandatory Conditions of Parole.—The Federal High-Risk Offender Reentry Demonstration project shall involve Federal offenders under supervised release who have previously violated the terms of their release following a term of imprisonment and shall utilize, as appropriate and indicated, community corrections facilities, home confinement, appropriate reentry measures and resources;

(3) a description of the methodology and outcome measures that will be used to evaluate the program; and

(4) notification to victims on the status and nature of a prisoner’s reentry plan.

(c) MANDATORY CONDITION OF PAROLE.—The Federal High-Risk Offender Reentry Demonstration project shall involve Federal offenders under supervised release who have previously violated the terms of their release following a term of imprisonment and shall utilize, as appropriate and indicated, community corrections facilities, home confinement, appropriate reentry measures and resources;

(d) PROJECT DURATION.—The Federal High-Risk Offender Reentry Demonstration project shall involve Federal offenders under supervised release who have previously violated the terms of their release following a term of imprisonment and shall utilize, as appropriate and indicated, community corrections facilities, home confinement, appropriate reentry measures and resources;

(e) SELECTION OF DISTRICTS.—The Judicial Conference of the United States, in consulta-
and Reentry Training Demonstration shall begin not later than 6 months following the availability of funds to carry out this section, and shall last 3 years. The Trustee of the Court Services and Offender Supervision Agency of the District of Columbia may extend the project for a period of up to 6 months following the expiration of the project to complete their involvement in the project.

SEC. 104. FEDERAL INTENSIVE SUPERVISION, TRACKING, AND REENTRY TRAINING DEMONSTRATION.

(a) AUTHORITY AND ESTABLISHMENT OF DEMONSTRATION PROJECT.—From funds made available to carry out this section, the Director of the Administrative Office of the United States Courts shall establish the Federal Intensive Supervision, Tracking and Reentry Training Demonstration (FED ISTART) project. The project shall involve appropriate high risk Federal offenders who are being released into the community without a period of confinement in a community corrections facility.

(b) PROJECT ELEMENTS.—The project authorized by subsection (a) shall include—

(1) participation by appropriate high risk Federal offenders;

(2) significantly smaller caseloads for probation officers participating in the demonstration project; and

(3) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and education services, conflict resolution skills training, batterer intervention programs, assistance obtaining suitable affordable housing, and other programs to promote effective reintegration into the community as needed; and

(4) notification to victims on the status and nature of the offender's reentry plan.

(c) PROGRAM DURATION.—The Federal Intensive Supervision, Tracking and Reentry Training Demonstration shall begin not later than 6 months following the availability of funds to carry out this section, and shall last 3 years. The Director of the Administrative Office of the United States Courts may extend the project for a period of up to 6 months to enable participating prisoners to complete their involvement in the project.

(d) SELECTION OF DISTRICTS.—The Judicial Conference of the United States, in consultation with the Attorney General, shall select an appropriate number of Federal judicial districts in which to carry out the Federal Intensive Supervision, Tracking and Reentry Training Demonstration project.

SEC. 105. FEDERAL ENHANCED IN-PRISON VOCATIONAL ASSESSMENT AND TRAINING AND DEMONSTRATION.

(a) AUTHORITY AND ESTABLISHMENT OF DEMONSTRATION PROJECT.—From funds made available to carry out this section, the Attorney General shall establish the Federal Enhanced In-Prison Vocational Assessment and Training Demonstration project in selected institutions. The project shall provide in-prison assessments of prisoners’ vocational skills and aptitudes, enhanced work skills development, enhanced release readiness programming, and other components as appropriate to prepare Federal prisoners for reentry to the community.

(b) PROGRAM DURATION.—The Enhanced In-Prison Vocational Assessment and Training Demonstration shall begin not later than 6 months following the availability of funds to carry out this section, and shall last 3 years. The Attorney General may extend the project for a period of up to 6 months to enable participating prisoners to complete their involvement in the project.

SEC. 106. RESEARCH AND REPORTS TO CONGRESS.

(a) ATTORNEY GENERAL.—Not later than 2 years after the enactment of this Act, the Attorney General shall report to Congress on the progress of the demonstration projects authorized by sections 101 and 105. Not later than 1 year after the end of the demonstration projects authorized by sections 101 and 105, the Director of the Federal Bureau of Prisons shall report to Congress on the effectiveness of the reentry projects authorized by section 101 and 105. The report shall address post-release outcomes and recidivism for a period of 3 years following release from custody. The reports submitted pursuant to this section shall be submitted to the Committees on the Judiciary in the House of Representatives and the Senate.

(b) DC ISTART.—Not later than 2 years after the enactment of this Act, the Executive Director of the corporation or institute authorized by section 11281(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. L. 105-33; 111 Stat. 712) shall report to Congress on the progress of the demonstration project authorized by section 102 and 104, the Director of the Administrative Office of the United States Courts shall report to Congress on the progress of the demonstration projects authorized by sections 102 and 104, the Director of the Administrative Office of the United States Courts shall report to Congress on the effectiveness of the reentry projects authorized by sections 102 and 104 of this Act on post-release outcomes and recidivism. The report should address post-release outcomes and recidivism for a period of 3 years following release from custody. The report submitted pursuant to this section shall be submitted to the Committees on the Judiciary in the House of Representatives and the Senate.

(c) DC ISTART.—Not later than 1 year after the end of the demonstration project authorized by section 103, the Executive Director of the corporation or institute authorized by section 11281(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. L. 105-33; 111 Stat. 712) shall report to Congress on the progress of the demonstration project authorized by section 103. The report shall address post-release outcomes and recidivism for a period of 3 years following release from custody. The reports submitted pursuant to this section shall be submitted to the Committees on the Judiciary in the House of Representatives and the Senate. In the event that the corporation or institute authorized by section 11281(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. L. 105-33; 111 Stat. 712) is not in operation 1 year after the enactment of this Act, the Director of National Institute of Justice shall prepare and submit a report under this section and may do so from funds made available to the Court Services and Offender Supervision Agency of the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. L. 105-33; 111 Stat. 712) to carry out this Act.

SEC. 107. DEFINITIONS.

In this title—

(1) the term “appropriate prisoner” means a person who is considered by prison authorities—

(A) to pose a medium to high risk of committing a criminal act upon reentering the community; and

(B) to lack the skills and family support network that facilitate successful reintegration into the community; and

(2) the term “appropriate high risk parolee” means parolees considered by prison authorities—

(A) to pose a medium to high risk of committing a criminal act upon reentering the community; and

(B) to lack the skills and family support network that facilitate successful reintegration into the community.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act, there are authorized to be appropriated, to remain available until expended, the following amounts:

(1) To the Federal Bureau of Prisons—

(A) $3,757,000 for fiscal year 2002;

(B) $3,110,000 for fiscal year 2003;

(C) $3,130,000 for fiscal year 2004;

(D) $3,156,000 for fiscal year 2005; and

(E) $3,230,000 for fiscal year 2006.

(2) To the Federal Judiciary—

(A) $3,380,000 for fiscal year 2002;

(B) $3,546,000 for fiscal year 2003;

(C) $3,720,000 for fiscal year 2004;

(D) $3,910,000 for fiscal year 2005; and

(E) $4,100,000 for fiscal year 2006.

(3) To the Court Services and Offender Supervision Agency of the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. L. 105-33; 111 Stat. 712) —

(A) $4,869,000 for fiscal year 2002;

(B) $4,510,000 for fiscal year 2003;

(C) $4,620,000 for fiscal year 2004;

(D) $4,740,000 for fiscal year 2005; and

(E) $4,869,000 for fiscal year 2006.

TITLE II—STATE REENTRY GRANT PARTNERSHIPS

SEC. 201. AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting the following:

‘‘PART CC—OFFENDER REENTRY AND COMMUNITY SAFETY

SEC. 2951. ADULT STATE OFFENDER AND LOCAL REENTRY PARTNERSHIPS.

(1) GRANT AUTHORIZATION.—The Attorney General shall make grants of up to $1,000,000 to States, Territories, and Indian tribes, in accordance with the following:

(A) oversight of monitoring of released offenders;

(B) providing returning offenders with drug and alcohol testing, treatment and mental health assessment and services; and

(C) convening community impact panels, victim impact panels or victim impact educational classes;

(4) providing and coordinating the delivery of other community services to offenders such as housing assistance, education, employment training, conflict resolution skills training, batterer intervention programs, and other social services as appropriate; and

(5) establishing and implementing graduated sanctions and incentives.

(b) SUBMISSION OF APPLICATION.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this subpart shall—

(1) describe a long-term strategy and detailed implementation plan, including how the jurisdiction plans to pay for the program and how the Federal funds will be used to support the program;

(2) identify the governmental and community agencies that will be coordinated by the jurisdiction plans to pay for the program; and

(3) be submitted to any other requirements that may be specified by the Attorney General, an application for a grant under this subpart shall—

(1) describe a long-term strategy and detailed implementation plan, including how the jurisdiction plans to pay for the program and how the Federal funds will be used to support the program;

(2) identify the governmental and community agencies that will be coordinated by the jurisdiction plans to pay for the program; and

(3) be submitted to any other requirements that may be specified by the Attorney General, an application for a grant under this subpart shall—

(1) describe a long-term strategy and detailed implementation plan, including how the jurisdiction plans to pay for the program and how the Federal funds will be used to support the program;

(2) identify the governmental and community agencies that will be coordinated by the jurisdiction plans to pay for the program; and

(3) be submitted to any other requirements that may be specified by the Attorney General, an application for a grant under this subpart shall—

(1) describe a long-term strategy and detailed implementation plan, including how the jurisdiction plans to pay for the program and how the Federal funds will be used to support the program;

(2) identify the governmental and community agencies that will be coordinated by the jurisdiction plans to pay for the program; and

(3) be submitted to any other requirements that may be specified by the Attorney General, an application for a grant under this subpart shall—

(1) describe a long-term strategy and detailed implementation plan, including how the jurisdiction plans to pay for the program and how the Federal funds will be used to support the program;
all affected agencies in the implementation of the program, including existing community corrections and parole; and

(4) describe the methodology and outcome measures that will be used in evaluating the program.

(c) APPLICANTS.—The applicants as designated under 2603(a)—

(1) shall prepare the application as required under subsection (b); and

(2) shall administer grant funds in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, as necessary to carry out the purposes of this part.

(d) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 25 percent of the costs of the project. Funds may be expended by the applicants as desig-

(e) REPORTS.—Each entity that receives a grant under this part shall submit to the At-

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $5,000,000 in fiscal years 2002 and 2003, and such sums as are necessary for each of the fiscal years 2004, 2005, and 2006.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

(A) not more than 2 percent or less than 1 percent may be used by the Attorney General for salaries and administrative expenses; and

(B) not more than 3 percent or less than 2 percent may be used for technical assistance and training.

SEC. 2952. STATE AND LOCAL REENTRY COURTS.

(a) GRANT AUTHORIZATION.—The Attorney General shall make grants of up to $50,000 to State and local courts or state agencies, municip-

(b) Submission of Application.—In addition to other requirements that may be specified by the Attorney General, an application for a grant under this subpart shall—

(1) describe a long-term strategy and de-

(2) describe the methodology and outcome measures that will be used in evaluating the program.

(c) APPLICANTS.—The applicants as designated under 2603(a)—

(1) shall prepare the application as re-

(2) shall administer grant funds in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, as necessary to carry out the purposes of this part.

(d) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 25 percent of the costs of the project. Funds may be expended by the applicants as desig-

(e) REPORTS.—Each entity that receives a grant under this part shall submit to the At-

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $5,000,000 in fiscal years 2002 and 2003, and such sums as are necessary for each of the fiscal years 2004, 2005, and 2006.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

(A) not more than 2 percent or less than 1 percent may be used by the Attorney General for salaries and administrative expenses; and

(B) not more than 3 percent or less than 2 percent may be used for technical assistance and training.

SEC. 2953. JUVENILE OFFENDER STATE AND LOCAL PROGRAMS.

(a) GRANT AUTHORIZATION.—The Attorney General shall make grants of up to $250,000 to States, in partnership with local units of governments or nonprofit organizations, for the purpose of establishing juvenile offender reentry programs. Funds may be expended by the applicants as described below for the following purposes:

(1) providing returning juvenile offenders with drug and alcohol testing and treatment and mental and medical health assessment and services;

(2) convening community impact panels, victim impact panels, or victim impact edu-

(3) overseeing monitoring of released juvenile offenders; and

(4) providing for the planning of reentry services when the youth is initially incarcerated and coordinating the delivery of community-based services, such as education, conflict resolution skills training, reentry intervention programs, employment training and placement, funding, and other activities, including education, reentry intervention programs, employment training and placement, funding, and other activities, which may be specified by the Attorney General, an application for a grant under this subpart shall—

(1) describe a long-term strategy and de-

(2) describe the methodology and outcome measures that will be used in evaluating the program.

(c) APPLICANTS.—The applicants as designated under 2603(a)—

(1) shall prepare the application as re-

(2) shall administer grant funds in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, as necessary to carry out the purposes of this part.

(d) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 25 percent of the costs of the project. Funds may be expended by the applicants as desig-

(e) REPORTS.—Each entity that receives a grant under this part shall submit to the At-

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $5,000,000 in fiscal years 2002 and 2003, and such sums as are necessary for each of the fiscal years 2004, 2005, and 2006.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

(A) not more than 2 percent or less than 1 percent may be used by the Attorney General for salaries and administrative expenses; and

(B) not more than 3 percent or less than 2 percent may be used for technical assistance and training.

SEC. 2954. STATE REENTRY PROGRAMS.

(a) GRANT AUTHORIZATION.—The Attorney General shall make grants to conduct research on a range of issues pertinent to reentry programs, the development and testing of new reentry components and approaches, and the evaluation of projects authorized in the preceding sections, and dissemination of information to the field.

(b) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section $5,000,000 in fiscal years 2002 and 2003, and such sums as are necessary to carry out this section in fiscal years 2004, 2005, and 2006.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Con-
realize the “American dream” and the economic freedoms that the “American dream” encapsulates.

Most companies dismiss the value of a high school diploma. Twelfth grade students in the United States rank among the highest in international comparisons in math and science. The Third International Math and Science Study, the most comprehensive and rigorous comparison of quantitative skills across nations, reveals that the long-run benefits in the elementary and public school system, the worse they perform on standardized tests.

High school graduates are twice as likely to be unemployed as college graduates (3.9% vs. 1.9%). Moreover, the value of a college degree over a high school degree is rising. In 1970, a college graduate made 136% more than a high school graduate. Today it is 176%. Even more ominous are labor participation rates for high school and college graduates since 1970 from 1970-2000.

Our children cannot afford to be illiterate in mathematics and science. The rapidly changing technology revolution demands skills and proficiency in mathematics, science, and technology. If, perhaps the fastest growing sector of our economy, relies on more than basic high school literacy in mathematics and science.

We have all heard about the impending teacher shortage. The Department of Education estimates that we will need over 2.2 million new teachers in the next decade to meet enrollment increases and to offset the large number of baby boomer teachers who will soon be retiring. Additionally, although America has many high-quality teachers already, we do not have enough, and with the impending retirement of the baby boomer generation of teachers, we will need even more.

Many want to continue to devote significant resources to reducing class size, and the concept to hire more teachers isn’t a bad idea. Studies have shown that smaller class size may improve learning under certain circumstances. But class size is only a partial puzzle to improve America’s education system, not the catapult that will launch us into education prosperity.

Unfortunately, there are too many teachers in America today who lack proper preparation in the subjects that they teach. My own state of Tennessee actually does a good job of ensuring that teachers have at least a major or minor in the subject that they teach—well enough to receive a grade of A in that category on the recent Thomas Fordham Foundation on teacher quality in the states. Even in Tennessee, however, 64.5% of teachers teaching physical science do not even have a minor in the subject. Among history teachers, nearly 50% did not major or minor in history. Many other states do worse.

Additionally, there is consensus that we are not attracting enough of the best and brightest, and not retaining enough of the best that we attract. According to Harvard economist Richard Murnane, “College graduates with high test scores are less likely to become teachers, licensed teachers with high test scores are less likely to take jobs, employed teachers with high test scores are less likely to stay, and former teachers with high test scores are less likely to return.”

A Million Quality Teachers seeks to change that by recruiting, and helping states recruit into the teaching profession top-quality students who have majored in academic subjects. We want teachers teaching math who have majored in and who love math. We want teachers teaching science who have majored in and who love science. This bill would attract new students, and different kinds of students, into teaching by offering significant loan repayment. While teachers are one of our nation’s most critical professions, it is often very difficult to attract highly skilled and marketable college students and graduates because of a profound lack of competitive salaries and the burden of student loans. In addition to the loan forgiveness and alternative certification stipends, the legislation will allow states to use up to $1.3 billion originally designated in a lump sum to hire more teachers to instead allow the states to use that money more creatively in programs to attract the kind of teachers we need but cannot afford. Using innovative tools already tested by many states, such as signing bonuses, loan forgiveness, payment of certification costs, and income tax credits, states will be able to once again make teaching an attractive and competitive career for our brightest college graduates. Additionally, the legislation does not limit states to these tools, but allows them to receive grants to continue testing other innovative and new programs for the same purposes.

There are two parts to the bill. Part I is a competitive grant program for States to enable them to run their own innovative quality teacher recruitment, retention and retraining programs. Part II is a loan forgiveness and alternative certification scholarship program to entice individuals with strong academic backgrounds into teaching.
The premise of the bill is that teaching is, or will soon be, like other professions where there is at least some degree of transience. In fact, recent studies show that most new teachers leave within four years. But these studies also show that new teachers are more often not paid as a teacher previously. Loan payments are deferred for as long as the student is obtaining alternative certification or teaching in a public school.

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in four hundred software programs, including commonly used software such as RealNetworks RealDownload, Netscape/AOL Smart Download, and NetZip Download Demon. Spyware in these software programs can transmit information about every file you download from the Internet.

Mr. President, I rise today to reintroduce the Spyware Control and Privacy Protection Act. I first introduced this legislation during the 106th Congress. At that time, Congress was debating how to best address the Internet privacy issue. Unfortunately, Congress failed to enact meaningful Internet privacy legislation before the close of the Congress. I am hopeful that the story will end differently during the 107th Congress. I hope we will pass comprehensive legislation that enables Americans to regain control over their personal information, and that helps protect their privacy and the privacy of their families. I believe my spyware bill is essential to ensuring that computer privacy protections are complete, and I will work to make sure it is incorporated into any Internet privacy legislation that moves in the Senate.

My proposal is common-sense and simple. It incorporates all four fair information practices of notice, choice, access and security practices that I believe are essential to effective computer privacy legislation.

First, the Act requires that any software that contains spyware must provide consumers with clear and conspicuous notice—at the time the software is installed—that the software contains spyware. The notice must also describe the information that the spyware will collect and indicate to whom it will be transmitted.

Another critical provision of my bill requires that software users must first give their affirmative consent before the software is allowed to start gathering users' personal information with third parties. In other words, software users must "opt-in" to the collection and transmission of their information. My bill gives software users a choice whether they will allow the spyware to collect and share their information.

The Spyware Control and Privacy Protection Act allows for some common-sense exceptions to the notice and opt-in requirements. Under my proposal, software users would not have to receive notice and give their permission to enable the spyware if the software user's information is gathered in order to provide technical support for use of the software. In addition, users' information may be collected if it is necessary to determine if they are licensed users of the software. And finally, the legislation would not apply to situations where employers are using spyware to monitor Internet usage at work. Under my proposal, software users must establish procedures to keep that information confidential and safe from hackers.

Mr. President, spyware is a modern day Trojan horse. You install software on your computer thinking it is designed to help you, and it turns out that something else is hidden inside that may be quite harmful. I have been closely following the privacy debate for some time now. And I am concerned that we are nowhere near the ways in which our privacy is being eroded. Spyware is among the most startling examples of how this erosion is occurring.

Most people would agree that modern technology has been extraordinarily beneficial. It has enabled us to obtain information more quickly and easily than ever before. And companies have streamlined their processes for providing goods and services. But the remarkable developments can have a startling downside. They have made it easier to track personal information such as medical and financial records, and buying habits. In turn, our ability to keep our personal information private is being eroded. Even sophisticated computer software users are unlikely to be aware that information is being collected about their Internet surfing habits and is likely being fed into a growing personal profile maintained at a data warehouse. They don't know that companies can and do extract the information from the warehouse to create a so-called cyber-profile of what they are likely to buy, what the status of their health may be, what their family is like, and what their financial situation may be.

I believe that in the absence of government regulation, it is difficult, if not impossible for people to control the use of their personal information. Consumers are not properly informed, and businesses are under no legal obligation to protect consumers' privacy. I believe that the Spyware Control and Privacy Protection Act is a reasonable way to help Americans regain some of their privacy. My legislation does not prevent software providers from using their software to collect a consumer's online information. However, it gives back some control to the consumer by allowing him or her to decide whether their information may be gathered.

My bill protects consumer privacy, while enabling software companies and marketing firms to continue obtaining consumers' information if the consumer so chooses. Confidence in these companies will be enhanced if they are able to assure their customers that they will not collect their personal information without their permission. Privacy protections are not enough to stop with computer software. I am proud to have cosponsored the Consumer Privacy Protection Act, a much-needed measure offered by Senator HOLLINGS. This legislation would prevent Internet service providers, individual web sites, network advertisers, and other third parties from gathering information about our online surfing habits without our permission. I intend to be an original cosponsor of the bill when it is reintroduced.

And during the last Congress, I introduced the Telephone Call Privacy Act in order to prevent phone companies from disclosing consumers private phone records without their permission. I will be re-introducing this bill soon.

Increasingly, technology is impacting our lives and the lives of our families. I believe that while it is important to encourage technology, we must also balance new developments with our fundamental right to privacy. Otherwise, we may wake up one day and realize that our privacy has been so thoroughly eroded that it is impossible to recover.

I urge my colleagues to support the Spyware Control and Privacy Protection Act and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

SEC. 2. COLLECTION OF INFORMATION BY COMPUTER SOFTWARE.

(a) Notice and Choice Required.—

(1) In General.—Any computer software made available to the public, whether by sale or without charge, that includes a capability to collect information about the user of such computer software, the hardware on which such computer software is used, or the manner in which such computer software is used, and to disclose such information to any person other than the user of such computer software shall include:

(A) a clear and conspicuous written notice, on the first electronic page of the instructions for the installation of such computer software, that such computer software includes such capability;

(B) a description of the information subject to collection and the name and address of each person to whom such computer software will transmit or otherwise communicate such information; and

(C) a clear and conspicuous written electronic notice, in a manner reasonably calculated to provide the user of such computer software with easily understood instructions on how to disable such capability without affecting the performance of such computer software for the purposes for which such computer software was intended.
(2) ENABLING OF CAPABILITY.—A capa-

bility of computer software described in para-

graph (1) may not be enabled unless the user of such computer software provides af-

firmation of a contract of advance, to the en-

ableness of the capability.

(3) EXCEPTION.—The requirements in para-

graphs (1) and (2) shall not apply to any ca-

pability of computer software that is reason-

ably needed to—

(A) determine whether or not the user is a

licensed or authorized user of such computer software;

(B) provide, upon request of the user, tech-

nical support of the use of such computer software by the user;

(C) prevent possible recurrence of the same or similar function or functions; and

(D) maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of such information.

(b) PREINSTALLATION.—In the case of com-

puter software described in subsection (a)(1) that is installed on a computer by someone other than the user of such computer software, whether through preinstallation by the provider of computer or computer software, by installation by someone before delivery of such computer to the user, or otherwise, the notices and instructions described in clause (A) of paragraph (1) shall be provided in electronic form to the user before the first use of such computer software by the user.

(c) VIOLATIONS.—A violation of subsection (a) or (b) shall be treated as an unfair or deceptive act or practice proscribed by section 5 of the Federal Trade Commission Act (15 U.S.C. 45(a)(1))—

(A) by any person; or

(B) with respect to a computer software license or authorized user of such computer software, by the provider of computer software.

(d) DISCLOSURE TO LAW ENFORCEMENT OR UNDER COURT ORDER.—

(1) DEFENSE. Notwithstanding any other provision of this section, a computer software provider that collects information about users of the computer software may disclose such information to a law enforcement agency or to a court to—

(A) prevent possible recurrence of the same or a similar act by another person; or

(B) protect any trade secrets of such party or participant.

(2) DEFINITIONS.—In this section:

(A) COLLECT.—The term ‘‘collect’’ means the gathering of information about a com-

puter or a user of computer software by any means, whether direct or indirect and whether active or passive.

(B) COMPUTER.—The term ‘‘computer’’ means a programmable electronic device that can store, retrieve, and process data.

(3) COMPUTER SOFTWARE.—(A) Except as provided in subparagraph (B), the term ‘‘computer software’’ means any program de-

signed to cause a computer to perform a de-

finite function or functions.

(B) The term does not include a text file, or cookie, placed on a person’s computer sys-

tem by an Internet service provider, inter-

direct computer service, or commercial Internet website to return information to the Internet service provider, interactive computer service, commercial Internet website, or third party who subsequently uses the Internet service provider or interactive computer service, or accesses the commercial Internet website.

(4) INFORMATION.—The term ‘‘information’’ means information that personally identifies a user of computer software, including the following:

(A) A first and last name, whether given at birth or adoption, assumed, or legally changed.

(B) A home or other physical address including street name and name of a city or town.

(C) An electronic mail address.

(D) A telephone number.

(E) A social security number.

(F) A credit card number, any access code associated with the credit card, or both.

(G) A date of birth, birth certificate number, or place of birth.

(H) Any other unique information identifying an individual that a computer software license or authorized user of such computer software, or operator of a commercial Internet website collects and combines with information described in sub-

paragraphs (A) through (G) of this para-

graph.

(5) PERSON.—The term ‘‘person’’ has the meaning given that term in section 3(32) of the Communications Act of 1934 (47 U.S.C. 153(32)).

(6) USER.—The term ‘‘user’’ means an indi-

vidual who acquires, through purchase or otherwise, computer software for purposes other than resale.

(7) EFFECTIVE DATE.—This section shall take effect one hundred eighty days after the date of the enact-

ment of this Act.

By Mr. CRAIG (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BURNS, Mr. CONRAD, Mr. CRapo, Mr. DORGAN, Mr. JOHNSON, and Mr. SMITH of Oregon):

S. 198. A bill to require the Secretary of the Interior to develop a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, non-native weeds on public and private land; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today with Senator DASCHLE to intro-

duce the Harmful Non-native Weed Control Act of 2000—to provide assis-

tance to eligible weed management entities to control or eradicate harmful, non-native weeds on public and private land. I am pleased that Senators BAU-

CUS, BURNS, CONRAD, CRapo, DORGAN, JOHNSON, and GORDON SMITH are join-

ing us as original cosponsors.

I have stood before Congress for the past three years pushing legislation and speaking on the issue of noxious weeds. I know some members tire of hearing me bring up this issue, but I have seen the destruction caused when non-native weeds are not treated and are left to over take native species.
Non-native weeds threaten fully two-thirds of all endangered species and are now considered by some experts to be the second most important threat to bio-diversity. In some areas, spotted knapweed grows so thick that big game like elk will not venture into the areas for fear of finding edible plants. Noxious weeds also increase soil erosion, and prevent recreationists from accessing land that is infested with poisonous plants.

Because of these problems, during the last Congress I introduced and worked to pass the Plant Protection Act. As you may recall, that bill primarily dealt with Animal Plant Health Inspection Service’s authority to block or regulate the importation or movement of a noxious weed and plant pest, and it also provides authority for inspection and enforcement of the regulations. Basically the bill focused on stopping the weeds at the border.

Stopping the spread of noxious weeds requires a two pronged effort. First, we must eradicate weed species from becoming established in the United States, which was the focus of the Plant Protection Act. Second, we must stop or slow the spread of the non-native weeds we already have, which is the focus of the Harmful Native Weed Control Act.

I have been working with the National Cattlemen’s Beef Association, Public Lands Council, and the Nature Conservancy to develop the Harmful Non-native Weed Control Act. This legislation will provide a mechanism to get funding to the local level where weeds can be fought in a collaborative way. Working together is what the entire initiative is about.

Specifically, this bill establishes, in the Office of the Secretary of the Interior, a program to provide assistance through States to eligible weed management entities. The Secretary of the Interior appoints an Advisory Committee to make recommendations to the Secretary regarding the annual allocation to funds. The Secretary, in consultation with the Advisory Committee, will allocate funds to States to provide funding to eligible weed management entities to carry out projects approved by States to control or eradicate harmful, non-native weeds on public and private land. Funds will be allocated based on several factors, including but not limited to: the seriousness of the problem in the State; the extent to which the federal funds will be used to leverage non-federal funds to address the problem; and the extent to which the State has already made progress in addressing the problem.

The bill directs that the States use 25 percent of their allocation to make base payments and 75 percent for financial awards to eligible weed management entities for carrying out projects relating to the control or eradication of harmful, non-native weeds on public or private lands. To be eligible to obtain a base payment, a weed management entity must be established by local stakeholders for weed management or public education purposes, provide the State a description of its purpose and proposed projects, and fulfill any other requirements set by the State. Weed management entities are also eligible for awards. Funds awarded by the State on a competitive basis to carry out projects which can not be funded within the base payment. Projects will be evaluated, giving equal consideration to economic and natural values, and selected for funding based on factors such as the seriousness of the problem, the likelihood that the project will address the problem, and how comprehensive the project’s approach is to the harmful, non-native weed problem within the state. A 50 percent non-federal match is required to receive the funds.

The Department of Agriculture in Idaho (ISDA) has developed a Strategic Plan for Managing Noxious Weeds through a collaborative effort involv- ing private landowners, state and federal land managers, state and local governmental entities, and other interested parties. Cooperative Weed Management Areas (CWMAs) are the centerpiece of the strategic plan. CWMAs convene representatives from all landowners, land managers, and interested parties to identify and prioritize noxious weed strategies within the CWMA in a collaborative manner. Primary responsibilities of the ISDA are to provide coordination, administrative support, facilitation, and project cost-share funding for this collaborative effort. Idaho already has a record of working in a collaborative way on this issue—my legislation will build on the progress we have had, and establish the same formula for success in other states.

As I have said before, non-native weeds are a serious problem on both public and private lands across the nation. The most troubling is the West where much of our land is entrusted to the management of the federal government. Like a “slow burning wildfire,” noxious weeds take local out of production, force native species off the land, and interrupt the commerce and activities of all those who rely on the land for their livelihoods—including farmers, ranchers, recreationists, and others.

I believe we must focus our efforts to rid our nation of these weeds now. Noxious weeds are not only a problem for farmers and ranchers, but a hazard to our environment, economy, and communities in Idaho, the West, and for the country as a whole. We must reclaim the rangeland for natural species. Noxious weeds do not recognize property boundaries, so if we want to win this war on weeds, we must be fighting at the federal, state, local, and individual levels. The Harmful Non-native Weed Control Act is an important tool for the Government in stopping the spread of these weeds. I am confident that if we work together at all levels of government and through out our communities, we can protect our land, livelihood, and environment.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 198

Be it enacted by the Senate and House of Representa-tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This Act may be cited as the “Harmful Nonnative Weed Control Act of 2000”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) public and private land in the United States faces unprecedented and severe stress from harmful nonnative weeds;

(2) the economic and resource value of the land is being destroyed as harmful nonnative weeds overtake native vegetation, making the land unusable for forage and for diverse plant and animal communities;

(3) damage caused by harmful nonnative weeds has been estimated to run in the hundreds of millions of dollars to agriculture, natural resources, and the environment;

(4) successfully fighting this scourge will require coordinated action by all affected stakeholders, including Federal, State, and local governments, public land managers, and nongovernmental organizations;

(5) the fight must begin at the local level, since it is at the local level that persons feel the loss caused by harmful nonnative weeds and will therefore have the greatest motivation to take effective action; and

(6) to date, effective action has been hampered by inadequate funding at all levels of government and by inadequate coordination.

(b) PURPOSES.—The purposes of this Act are

(1) to provide assistance to eligible weed management entities in carrying out projects to control or eradicate harmful, non-native weeds on public and private land; and

(2) to coordinate the projects with existing weed management areas and districts;

(3) in locations in which no weed management entity, area, or district exists, to stimulate the formation of non-federal or regional cooperative weed management entities, such as entities for weed management areas or districts, that organize locally affected stakeholders to control or eradicate weeds;

(4) to leverage additional funds from a variety of public and private sources to control or eradicate weeds through local stakeholders; and

(5) to promote healthy, diverse, and desirable plant communities by abating through a variety of measures the threat posed by harmful, nonnative weeds.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY COMMITTEE.—The term “Advisory Committee” means the advisory committee established under section 5.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 4. ESTABLISHMENT OF PROGRAM.

The Secretary shall establish in the Office of the Secretary a program to provide financial assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.
SEC. 5. ADVISORY COMMITTEE.
(a) In General.—The Secretary shall estab-
lish in the Department of the Interior an ad-
visory committee to make recommenda-
tions regarding the allocation of funds to States under section 6 and other issues related to funding under this Act.
(b) Composition.—The Advisory Committee shall be composed of not more than 10 indi-
viduals appointed by the Secretary who—
(1) have knowledge and experience in harm-
ful, nonnative weed management; and
(2) represent the range of economic, con-
servation, geographic, and social interests affected by harmful, nonnative weeds.
(c) Term of Members.—Each member of the Advisory Committee shall serve for 4 years.
(d) Compensation.—(1) In General.—Each member of the Advisory Committee shall receive no compensation for the service of the member on the Advisory Committee.
(2) Travel Expenses.—A member of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subs-
istence, at rates authorized for an employee of the Federal Government.
(e) Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. 6. ALLOCATION OF FUNDS TO STATES.
(a) In General.—In consultation with the Advisory Committee, the Secretary shall allo-
cate funds made available for each fiscal year under section 8 to States to provide funding in accordance with section 7 to eligi-
ble weed management entities to carry out projects approved by States to control or eradicate harmful, nonnative weeds on pub-
lic and private land.
(b) Amount.—The Secretary shall deter-
mine the amount of funds allocated to a State for a fiscal year under this section on the basis of—
(1) the seriousness of the harmful, non-
native weed problem or potential problem in the State or a portion of the State;
(2) the extent to which the Federal funds will be used to leverage non-Federal funds to address the harmful, nonnative weed problems in the State;
(3) the extent to which the State has made progress in addressing harmful, nonnative weed problems in the State;
(4) the extent to which weed management entities in a State are eligible for base payments under section 7; and
(5) other factors recommended by the Advi-
sory Committee and approved by the Sec-
retary.

SEC. 7. USE OF FUNDS ALLOCATED TO STATES.
(a) In General.—A State that receives an allocation of funds under section 8 for a fiscal year shall use—
(1) not more than 25 percent of the alloca-
tion to make a base payment to each weed management entity in accordance with sub-
section (b); and
(2) not less than 75 percent of the alloca-
tion to make financial awards to weed man-
agement entities in accordance with sub-
section (c).
(b) Base Payments.—
(1) Use by Weed Management Entities.—
(A) In General.—Base payments under subsection (a)(1) shall be used by weed man-
agement entities—
(i) to pay the Federal share of the cost of carrying out projects described in subsection (d) that are selected by the State in accord-
ance with subsection (d); or
(ii) for any other purpose relating to the activities of the weed management entities, subject to guidelines established by the State.
(B) Federal Share.—Under subparagraph (A), the Federal share of the cost of carrying out a project described in subsection (d) shall not exceed 50 percent.
(2) Eligibility of Weed Management Enti-
ties.—To be eligible to receive a base payment under paragraph (1) for a fiscal year, a weed management entity in a State shall—
(A) be established by local stakeholders—
(i) to control or eradicate harmful, non-
native weeds on public or private land; or
(ii) to increase public knowledge and edu-
cation concerning the need to control or eradicate harmful, nonnative weeds on pub-
lic or private land;
(B) for the fiscal year for which the entity receives a base payment, provide to the State a description of—
(i) the purposes for which the entity was established; and
(ii) any projects carried out to accomplish those purposes; and
(C) for any subsequent fiscal year for which the entity receives a base payment, provide to the State—
(i) a description of the activities carried out by the entity in the previous fiscal year;
(II) for the first fiscal year for which the entity receives a base payment, provide—
(aa) to control or eradicate harmful, non-
native weeds on public or private land; or
(bb) to increase public knowledge and edu-
cation concerning the need to control or eradicate harmful, nonnative weeds on pub-
lic or private land; and
(iii) the results of each such activity; and
(D) meet such additional eligibility re-
quirements, and conform to such process for determining eligibility, as the Secretary may estab-
lish.
(c) Financial Awards.—
(1) Use by Weed Management Entities.—
(A) In General.—Financial awards under subsection (a)(2) shall be used by weed man-
agement entities to pay the Federal share of the cost of carrying out projects described in subsection (d) that are selected by the State in accordance with subsection (d).
(B) Federal Share.—Under subparagraph (A), the Federal share of the cost of carrying out a project described in subsection (d) shall not exceed 50 percent.
(2) Eligibility of Weed Management Enti-
ties.—To be eligible to receive a financial award under paragraph (1) for a fiscal year, a weed manage-
ment entity in a State shall—
(A) meet the requirements for eligibility for a base payment under subsection (b)(2); and
(B) submit to the State a description of the project for which the financial award is sought.
(d) Projects.—
(1) In General.—An eligible weed manage-
ment entity may use a base payment or fi-
ancial award received under this section to carry out projects that—
(i) are to control or eradicate harmful weeds on public or private land, including—
(A) education, inventories and mapping, management, monitoring, and similar activi-
ties, including the payment of the cost of personnel and equipment; and
(B) innovative projects, with results that are disseminated to the public.
(2) Selection of Projects.—A State shall select projects for funding under this section on a competitive basis, taking into consider-
ation (with equal consideration given to eco-
nomic and natural values)—
(A) the seriousness of the harmful, non-
native weed problem or potential problem addressed by the project;
(B) the likelihood that the project will pre-
vent or resolve the problem, or increase
knowledge about resolving similar problems in the future; and
(C) the extent to which the project will leverage non-Federal funds to address the harmful, nonnative weed problem addressed by the project.
(e) The extent to which the project will provide a comprehensive approach to the control or eradication of harmful, nonnative weeds.
(f) The extent to which the project will re-
troduce the total population of a harmful, non-
native weed within the State; and
(g) other factors that the State determines to be relevant.

(3) Scope of Projects.—
(A) In General.—A weed management enti-
ty shall determine the geographic scope of the harmful, nonnative weed problem to be addressed through a project using a base payment or financial award received under this section.
(B) Multiple States.—A weed manage-
ment entity may use the base payment or fi-
nancial award to carry out a project to ad-
dress harmful, nonnative weeds in more than one State if the entity meets the requirements of applicable State laws.
(4) Land.—A weed management entity may use the base payment or financial award re-
ceived under this section to carry out a project to control or eradicate weeds on any public or private land with the approval of the owner or operator of such land, other than land that is devoted to the cultivation of row crops, fruits, or vegetables.
(5) Prohibition on Projects to Control Aquatic Noxious Weeds or Animal Pests.—A base payment or financial award under this section may not be used to carry out a project to control or eradicate aquatic nox-
ious weeds or animal pests.
(e) Administrative Costs.—Not more than 5 percent of the funds made available under section 8 for a fiscal year may be used by the States or the Federal Government to pay the administrative costs of the program estab-
lished by this Act, including the costs of complying with Federal environmental laws.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated such sums as are necessary to carry out this Act.
Babbitt noted, “The blending of the natural world into one great monoculture of the most agrressive species is, I think, a blow to the spirit and beauty of the natural world.”

Despite these efforts, the scale of this problem is enormous. The estimate is that it could cost well into the hundreds of millions of dollars to control effectively the spread of these weeds. This legislation will help to meet that need by putting funding directly into the hands of the local weed boards and managers who already are working to control this problem and whose lands are directly affected.

Specifically, this legislation authorizes new weed control funding and establishes an Advisory Board in the Department of Interior to identify the areas of greatest need for the distribution of those funds. States, in turn, will transfer up to 25 percent of it directly to local weed control boards in order to support ongoing activities and spur the funding of new control boards, where necessary. The remaining 75 percent of funds will be made available to weed control boards on a competitive basis to fund weed control projects.

Mr. President, I’d like to thank Senator Craig for his work on this issue, and to thank the National Cattlemen’s Beef Association and the Nature Conservancy, who have been instrumental to the development of this bill. Now that this legislation has been introduced, it is my hope that we can work with all interested stakeholders to enact it as soon as possible. I look forward to working with my colleagues during this process.

Mr. Burns, Mr. President, I join Senator Craig in sponsoring the Harmful Nonnative Weed Control Act of 2001. This bill will require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land. In a state like Montana, where we depend heavily on the bounty of the land to support the lifestyle we enjoy, weed control has a very important place in land management. Noxious weeds attack the natural balance of the range and the entire ecosystem, along with threatening the health and productivity of public and private lands.

When I visit with Montana ranchers, farmers, recreationists, and others who live close to the land, they continually mention their concern over noxious weeds. These folks are worried about how the weeds are changing the face of the land, and I am too. When these weeds take hold and native plants are crowded out, wildlife habitat is compromised, livestock carrying capacity is reduced, and the condition of the land is jeopardized. Over the last few years, we have been able to secure appropriations to increase research efforts with respect to weeds management. I think this is a step in the right direction, but we also need our land management agencies and to work with private land owners.

One thing is clear: this is not just a public lands problem, nor is it only a private landowner problem. Without cooperation from both sides, any efforts from one group are compromised. This bill presents a great opportunity for cooperation, and a chance for the federal government to demonstrate a commitment to stewardship of our public lands. Sadly, this is a commitment we have not seen enough of lately.

Aside from the ongoing battle against nonnative weeds in the West, this year we have added urgency to doing something real about the problem. When fires swept over millions of acres of public and private land last summer, that land was made especially vulnerable to weed infestation. Aside from repairing the immediate damage to structures and making sure we are able to control erosion and protect clean water, we have an obligation to fight the weeds that will otherwise take over these lands. As hard as we have worked in the Senate to create fire programs that repair last year’s damage and keep it from happening again, it will not be a step in the wrong direction to leave weed prevention by the wayside. Preventing non-native species from taking hold right now will be a much better investment than trying to control the invasion later. We cannot afford to stand idly by.

In some ways, the disease of weed infestation resembles the challenge of wildfire. Both are economically and environmentally devastating, and do not distinguish between public and private land. In a recent study presented at the American Association for the Advancement of Science estimates that non-native species cause $123 billion in damage annually. This figure is more than twice the annual economic damage caused by all natural disasters in the United States. There are no silver bullets here, and we won’t be able to fix things overnight, but with hard work and a commitment to this cause, I know we can make a difference. It is time the federal government step up to its obligations to Americans, and take decisive action to fight nonnative weeds. This is a serious problem, and I am proud to be working with my colleagues in the Senate to fix it.

By Mr. Reid:

S. 199. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to oversee the competitive activities of air carriers following a concentration in the airline industry; and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. Reid. Mr. President, I rise today because we have been concerned with the sudden increase in airline merger proposals. Many have predicted that if the proposed merger of United Airlines and US Airways is allowed to go forward, it will be followed by mergers of other major airlines, and we will soon have an industry dominated by mega-carriers.

American Airlines recently bought Reno Air, and now is proposing a merger of American Airlines and Trans World Airlines. If this trend continues, we could end up with only three airlines in America. That could drive prices sky high and cut the number of available flights, which will be terrible for consumers.

I know first hand that mergers can hurt consumers. In my own state, the Reno-Tahoe International Airport lost flights when American Airlines bought Reno Air. Flights were reduced significantly, and now it is harder for people to fly in and out of the Reno and Lake Tahoe areas.

The purpose of deregulation was to end monopoly prices in the airline business. Evidence seems to support a reduction in competition. It seems to be having an opposite effect. I am very concerned with the recent airline merger proposals and the merger frenzy that may follow. We must maintain as much competition as possible in the airline industry.

This legislation will protect consumers against monopolistic abuses. I emphasize that this type of legislation is not my preferred approach—I would greatly prefer to continue to have consumers protected by adequate competition in a free market.

I emphasize that the bill is not a “de-regulation” bill. Airlines will remain free to set prices without prior government approval. However, the bill will give DOT authority to intervene if the airlines take unfair advantage of the absence of sufficient competition.

We are at a critical juncture for the future of a competitive airline industry. The inescapable lesson of 22 years of deregulation is that mergers and a reduction in competition often lead to higher fares for the American traveling public. We cannot allow this, and we will soon have only three major airlines, and we will soon have only three air carriers. If this trend continues, we will soon have only three air carriers.

Mr. President, my bill will take effect as a result of consolidation or mergers that occur between two or more of the top seven airlines, or if three or fewer of those air carriers control more than 70% of domestic revenue passenger miles. Highlights of my Airline Competition Preservation bill are as follows:

Monopolistic Fares—The Secretary of Transportation is authorized to require reduction in fares that are unreasonably high. The factors to be considered include:

Whether the fare in question is higher than fares charged in similar markets; whether the fare has been increased in excess of cost increases; and whether there is a reasonable relationship between fares charged leisure travelers and those charged business travelers.

If a fare is found to be unreasonably high, the Secretary may order that it
be reduced, that the reduced fare be offered for a specified number of seats and that rebates be offered.

Preventing Unfair Practices Against Low Fare New Entrants: If a dominant incumbent carrier responds to low fare service by a new entrant by matching the low fare, and offering two or more times the low fare seats as the new entrant, the dominant carrier must continue to offer the low fare for two years.

Increasing Competition At Hubs: If a dominant carrier at a hub airport is taking advantage of its monopoly power by offering fares 5% or more above average fares, in more than 20% of hub markets, DOT may take steps to facilitate added competition at the hub.

Mr. President, no one wants the federal government to micro manage private industry. But our airways are not just a private industry—they are a public trust. People need to be able to fly across our vast nation—to do business, to see family members, and to enjoy their leisure travel. And when these mergers proceed without the competitive protections I am proposing, then the ultimate irony of deregulation will be that we will have traded government concern for the public interest, for private monoply control in the interests of the industry.

I ask unanimous consent that the text of the Airline Competition Preservation Act of 2001 be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. OVERSIGHT OF AIR CARRIER PRICING.

(a) EFFECTIVE DATE.

"(a) EFFECTIVE DATE.—"(1) IN GENERAL.—This section shall take effect immediately upon a determination by the Secretary of Transportation that 3 or fewer air carriers account for 78 percent or more of the scheduled revenue passenger miles in interstate air transportation as a result of:

(A) the consolidation or merger of the properties (or a substantial portion of the properties) of 2 or more of the 7 air carriers that account for the highest number of scheduled revenue passenger miles in interstate air transportation into a single entity that owns or operates the properties previously in separate ownership; or

(B) the acquisition (by purchase, lease, or contract to operate) of the properties (or a substantial portion of the properties) of 1 or more of the air carriers described in subparagraph (A) by another of such carriers.

"(2) USE OF DATA.—For the purpose of determining the number of scheduled revenue passenger miles under paragraph (1), the Secretary shall use data from the latest year for which complete data is available.

"(3) DETERMINATION OF AIR CARRIER CONCENTRATION.—In determining the number of scheduled revenue passenger miles in interstate air transportation as a result of 2 or more of the 7 air carriers previously in separate ownership; or

parable to the fares offered by a new entrant air carrier on the route that is unreasonably high, the Secretary shall consider, among other factors, whether:

(A) the fare or average fare is higher than the fare or average fare charged by the carrier on other routes in interstate air transportation of comparable distances;

(B) the fare or average fare has increased by a significant amount in excess of any increase in the cost to operate flights on the route; and

(C) the range of fares specified on the route or the carrier’s entire fare system offers a reasonable balance and a fair allocation of costs between passengers who are primarily price sensitive and passengers who are primarily time sensitive.

"(3) ACTIONS IN RESPONSE TO UNREASONABLE FARES.—If the Secretary determines that an air carrier is charging a fare or an average fare for interstate air transportation on a route that is unreasonably high, the Secretary, after providing the carrier an opportunity for a hearing, may order the carrier—

(A) to reduce the fare;

(B) to offer a reduced fare for a specific number of seats on the route; and

(C) to offer rebates to individuals who have been charged the fare.

"(4) PERIOD OF EFFECTIVENESS OF ORDER.—An order issued by the Secretary under this subsection shall remain in effect for a period to be determined by the Secretary.

"(5) ACTIONS OF DOMINANT AIR CARRIERS IN RESPONSE TO NEW ENTRANTS.—If, with respect to a route in interstate air transportation to or from a hub airport, a dominant air carrier at the airport—

(A) institutes or changes its fares for air transportation on the route in a manner that results in fares that are higher than or comparable to the fares offered by a new entrant air carrier for such air transportation; and

(B) increases the passenger capacity at which such fares are offered on the route to a level which is—

(1) institutes or changes its fares for air transportation on the route in a manner that results in fares that are higher than or comparable to the fares offered by a new entrant air carrier for such air transportation; and

(2) increases the passenger capacity at which such fares are offered on the route to a level which is—

(A) to reduce the fare;

(B) to offer a reduced fare for a specific number of seats on the route; and

(C) to offer rebates to individuals who have been charged the fare.

"(E) PERIOD OF EFFECTIVENESS OF ORDER.—An order issued by the Secretary under this subsection shall remain in effect for a period to be determined by the Secretary.

"(6) ACTIONS OF DOMINANT AIR CARRIERS IN RESPONSE TO NEW ENTRANTS.—If, with respect to a route in interstate air transportation to or from a hub airport, a dominant air carrier at the airport—

(A) institutes or changes its fares for air transportation on the route in a manner that results in fares that are higher than or comparable to the fares offered by a new entrant air carrier for such air transportation; and

(B) increases the passenger capacity at which such fares are offered on the route to a level which is—

(1) institutes or changes its fares for air transportation on the route in a manner that results in fares that are higher than or comparable to the fares offered by a new entrant air carrier for such air transportation; and

(2) increases the passenger capacity at which such fares are offered on the route to a level which is—

(A) to reduce the fare;

(B) to offer a reduced fare for a specific number of seats on the route; and

(C) to offer rebates to individuals who have been charged the fare.

"(E) PERIOD OF EFFECTIVENESS OF ORDER.—An order issued by the Secretary under this subsection shall remain in effect for a period to be determined by the Secretary.

"(6) ACTIONS OF DOMINANT AIR CARRIERS IN RESPONSE TO NEW ENTRANTS.—If, with respect to a route in interstate air transportation to or from a hub airport, a dominant air carrier at the airport—

(A) institutes or changes its fares for air transportation on the route in a manner that results in fares that are higher than or comparable to the fares offered by a new entrant air carrier for such air transportation; and

(B) increases the passenger capacity at which such fares are offered on the route to a level which is—

(1) institutes or changes its fares for air transportation on the route in a manner that results in fares that are higher than or comparable to the fares offered by a new entrant air carrier for such air transportation; and

(2) increases the passenger capacity at which such fares are offered on the route to a level which is—

(A) to reduce the fare;

(B) to offer a reduced fare for a specific number of seats on the route; and

(C) to offer rebates to individuals who have been charged the fare.

"(E) PERIOD OF EFFECTIVENESS OF ORDER.—An order issued by the Secretary under this subsection shall remain in effect for a period to be determined by the Secretary.

"(6) ACTIONS OF DOMINANT AIR CARRIERS IN RESPONSE TO NEW ENTRANTS.—If, with respect to a route in interstate air transportation to or from a hub airport, a dominant air carrier at the airport—

(A) institutes or changes its fares for air transportation on the route in a manner that results in fares that are higher than or comparable to the fares offered by a new entrant air carrier for such air transportation; and

(B) increases the passenger capacity at which such fares are offered on the route to a level which is—

(1) institutes or changes its fares for air transportation on the route in a manner that results in fares that are higher than or comparable to the fares offered by a new entrant air carrier for such air transportation; and

(2) increases the passenger capacity at which such fares are offered on the route to a level which is—

(A) to reduce the fare;

(B) to offer a reduced fare for a specific number of seats on the route; and

(C) to offer rebates to individuals who have been charged the fare.

"(E) PERIOD OF EFFECTIVENESS OF ORDER.—An order issued by the Secretary under this subsection shall remain in effect for a period to be determined by the Secretary.

Mr. REID. Mr. President, this past holiday season saw a record number of passengers travel. Fortunately, it also saw increases in some common problems associated with air travel—delayed and cancelled flights, customer confusion, and occurrences of "air rage."

The number of delayed, cancelled and delayed flights have been increasing steadily over the past few years, reaching record highs last year. Last week, the Department of Transportation released a management report indicating that, from 1995 to 1999, the number of flight delays rose by 58 percent and cancelled flights grew by 68 percent. In just one year, 1999, passenger complaints grew by 16 percent. During the
first nine months of 2000, one of every four flights was cancelled, delayed or diverted, affecting more than 119 million passengers. The average delay was 50 minutes.

Disturbingly, the report also indicated an increase in the number of near-misses and runway safety errors that could have led to collisions between aircraft both in the air and on the ground.

To address these problems, the number of choices available to customers keeps decreasing. Within the past few months, National Airlines terminated much of its service, United Airlines announced a merger with USAir, and American Airlines announced its acquisition of TWA. If approved, these mergers would allow only three airlines to dominate the commercial airline industry.

More than a year ago, the airlines announced voluntary pledges to improve their customer service and reduce delays, and asked for time to carry out their promises. But it’s obvious that those voluntary promises have not worked. In addition to the increase in delays and customer complaints, a preliminary report by the Inspector General released last summer revealed a number of unfair and deceptive practices by the industry, including providing false or inaccurate information to passengers about the reasons for delays.

Transportation Secretary Norman Mineta, recently confirmed by the Senate, warned a few days ago that flight delays this coming summer will likely be as bad or worse than they have been the past two years. It’s time for Congress to take action.

Last year, I introduced S. 2891, the Air Travelers’ Fair Treatment Act of 2000, which was aimed at addressing some of the most pressing problems associated with air travel. Today, I am re-introducing a modified version of that bill, which is titled the “Air Travelers Fair Treatment Act of 2001.”

The new bill includes six main provisions:

(1) Flight delays: Air carriers would be required to provide travelers with accurate and timely explanations of the reasons for a flight cancellation, delay or diversion from a ticketed itinerary. The failure to do so would be classified as an unfair practice that would subject the airline to civil penalties.

(2) Right to exit aircraft: Where a plan has remained at the gate for more than 1 hour past its scheduled departure time and the captain has not been informed that the aircraft can be cleared for departure within 15 minutes, passengers should have the right to exit the plane into the terminal to make alternative travel plans, or simply to stretch their legs, get something to eat, etc. I believe this provision will help prevent “air rage” incidents when passengers are forced to sit in parked planes for long periods of time.

(3) Right to in-flight medical care: Currently, each airline has its own policy regarding what kind of medical and first-aid equipment and training is provided on their flights, so that the available equipment and medical training varies widely between carriers. This bill would direct the Secretary of Transportation to issue uniform minimum regulations for all carriers regarding the type of medical equipment each flight must carry and the kind of medical training each flight crew should receive.

(4) Access to State laws: The Federal Courts have split on whether the Airline Deregulation Act of 1978 pre-empts state consumer protection and personal injury laws as applied to airlines. The Ninth Circuit Court of Appeals has held that passengers may sue airlines in state court for violations of state fraud and consumer protection laws; in contrast, the Fourth Circuit has held that airlines are immune from state law. The bill would do away with this uncertainty.

(5) Termination of ticket agents: Travel agencies would provide a valuable service to customers looking for the best prices. Yet airlines have enormous leverage over what kind of information they can and cannot provide to customers, because they can withdraw their accounts without notice from any travel agency for any reason—even if the only reason is that the travel agency is giving the customer the best rates. The bill requires carriers to provide written 90-day advance statement of reasons before canceling a travel agency’s account with the airline, and to give them 60 days to correct the identified deficiencies.

(6) Safety records: Right now, many airlines are reluctant to release information to the public relating to their safety records, including their accident record and certification compliance records. But I believe that passengers should have the right to know whether the airline they are flying has complied with government safety standards, whether it has been fined or penalized for safety violations, and how many accidents or safety violations the airlines have been involved in. This bill will include a new provision requiring the Secretary of Transportation to develop regulations under which the safety, inspection, certification compliance and accident records of the airlines will be made available to any customer upon request.

Mr. President, air travel has become a staple of modern society. All of us in this body rely on it frequently to return to our home states. But by almost any measurement, the quality and reliability of air travel continues to decline. I think it’s past time that Congress stepped in and forced the airlines to do what they have been unwilling to do so far on their own—to clean up their act. I ask my colleagues to join me.

I ask unanimous consent that the text of the Air Travelers Fair Treatment Act of 2001, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Air Travelers Fair Treatment Act of 2001.”

SEC. 2. FAIR TREATMENT OF AIRLINE PASSENGERS.

Section 41721 of title 49, United States Code, is amended by adding at the end the following:

“(1) FLIGHT DELAYS.—The failure of an air carrier or foreign air carrier to provide a passenger with the benefit of creditors, bankruptcy, or reorganization, or substantial change in the competitive circumstances of the appointment of a ticket agent by an air carrier or foreign air carrier, the failure of the air carrier or foreign air carrier—

“(A) to provide the ticket agent with written notice, and a full statement of reasons for the action, on or before the 90th day preceding the action; and

“(B) to provide the ticket agent with at least 60 days to correct any deficiency claimed in the written notice, except in cases of insolvency, an assignment for the benefit of creditors, bankruptcy, or nonpayment of sums due under the appointment.”;

SEC. 3. CLARIFICATION REGARDING ENFORCEMENT OF STATE LAWS.

Section 41713(b)(1) of title 49, United States Code, is amended by striking “related to a price, route, or service of an air carrier that may preempt air transportation under this subpart” and inserting “that directly prescribes a price, route, or level of service for air transportation provided by an air carrier under this subpart”.

SEC. 4. EMERGENCY MEDICAL ASSISTANCE; RIGHT OF EGRESS.

(a) IN GENERAL.—Subchapter I of chapter 47 of title 49, United States Code, is amended by adding at the end the following:

“S 41722. Airline passenger rights

“(A) RIGHT TO IN-FLIGHT EMERGENCY MEDICAL CARE.

“(1) IN GENERAL.—The Secretary of Transportation shall prescribe regulations to establish minimum standards for resuscitation, emergency medical, and first-aid equipment and supplies to be carried on an aircraft operated by an air carrier in air transportation that is capable of carrying at least 30 passengers.

“(B) CONSIDERATIONS.—In prescribing regulations under paragraph (1), the Secretary shall consider—

“(A) the weight and size of the equipment described in paragraph (1); and

“(B) the need for special training of air carrier personnel to operate the equipment safely and effectively;

“(C) the space limitations of each type of aircraft;

“(D) the effect of the regulations on aircraft operations;

“(E) the practical experience of airlines in carrying and operating similar equipment; and

“(F) the cost of complying with the regulations; and

“(G) any other factor the Secretary deems relevant.”;

“(2) FAIR TREATMENT OF AIRLINE PASSENGERS.

“(A) RECORDS; NOTICES; ACCESS.-—In general.—If the Government finds that the passenger or employee [of a transportation service which may be preempted by air transportation] is being subjected to discrimination, or any other violation of the passenger or employee rights described in subsection (A), the Government shall—

“(i) promptly issue a final decision of the findings or stated conclusion on the basis of the record with respect to the complaint, including findings on the facts, the rule of construction, rule of interpretation, and any other relevant determination; and

“(ii) promptly publish the final decision in the Federal Register.

“(B) REMEDIES.— If the passenger or employee is dissatisfied with any final decision of the Government, the passenger or employee may petition the Government for review of the final decision within 45 days after notice of the final decision under paragraph (A) of this subsection. The Government shall—

“(i) grant the petition for review if the Government finds that the passenger or employee has submitted a sufficient statement of the case and the statement of the case has merit;

“(ii) deny the petition for review if the Government finds that the passenger or employee has not submitted a sufficient statement of the case or the statement of the case does not have merit;

“(iii) grant the petition for review if the Government finds that the passenger or employee has submitted a sufficient statement of the case and the statement of the case does not have merit; and

“(iv) deny the petition for review if the Government finds that the passenger or employee has not submitted a sufficient statement of the case or the statement of the case has not merit.

“(C) INJUNCTION.—If the Government finds that the passenger or employee is being subjected to discrimination, or any other violation of the passenger or employee rights described in subsection (A), the Government may petition a United States district court for an injunction restraining the defendant from engaging in the discriminatory or other violative activity described in subsection (A).

“(D) JUDICIAL REVIEW.—Any person aggrieved by a final decision of the Government under this subsection may seek judicial review of the final decision in the United States Court of Appeals for the Federal Circuit. The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction to consider the review petition.

“(E) JUDICIAL REVIEW.—Any person aggrieved by a final decision of the Government under this subsection may seek judicial review of the final decision in the United States Court of Appeals for the Federal Circuit. The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction to consider the review petition.

“(F) JUDICIAL REVIEW.—Any person aggrieved by a final decision of the Government under this subsection may seek judicial review of the final decision in the United States Court of Appeals for the Federal Circuit. The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction to consider the review petition.

“(G) JUDICIAL REVIEW.—Any person aggrieved by a final decision of the Government under this subsection may seek judicial review of the final decision in the United States Court of Appeals for the Federal Circuit. The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction to consider the review petition.”;
(F) other relevant factors.

(3) CONSULTATION.—Before prescribing regulations under paragraph (1), the Secretary shall consult with the Surgeon General of the Public Health Service.

(b) Right To Exit Aircraft.—No air carrier or foreign air carrier operating an aircraft in air transportation shall prevent or hinder a passenger or anyone accompanying a passenger from exiting the aircraft (under the same circumstances as any member of the flight crew is permitted to exit the aircraft) if

(1) the aircraft is parked at an airport terminal gate with access to ramp or other facilities through which passengers are customarily boarded and deplaned;

(2) the aircraft has remained at the gate more than 1 hour past its scheduled departure time; and

(3) the captain of the aircraft has not been informed by air traffic control authorities that the aircraft can be cleared for departure within 15 minutes.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 of title 49, United States Code, is amended by adding at the end the following new section:

§ 44722. Airline passenger rights.

SEC. 5. CONSUMER ACCESS TO INFORMATION.

(a) REQUIREMENT FOR PROGRAM.—

(1) IN GENERAL.—Chapter 417 of title 49, United States Code, is amended by adding at the end the following new section:

§ 44727. Air traveler safety program.

(a) IN GENERAL.—

(1) WRITTEN INFORMATION.—The Secretary of Transportation (in this section referred to as the ‘Secretary’) shall require in regulations, for a period determined by the Secretary, that each air carrier that provides interstate or foreign air transportation to provide written information upon request, to passengers that purchase passage for interstate or foreign air transportation concerning the following:

(A) Safety inspection reviews conducted by the Administrator of the Federal Aviation Administration (in this section referred to as the ‘Administrator’) on the aircraft of that air carrier.

(B) The safety ranking of that air carrier, as determined by the Administrator in accordance with applicable law.

(C) The compliance of the members of the crew of the aircraft with any applicable certification requirement under this subchapter.

(2) GUIDELINES.—The regulations issued by the Secretary under this subsection shall provide guidelines for air carriers relating to the provision of the information referred to in paragraph (1).

(3) REQUEST FOR INFORMATION.—An air carrier shall be required to provide to a passenger, on request, any information concerning the safety of aircraft and the competency of persons issued a certificate under this subtitle for the operation of the aircraft that is known to exceed the extent allowable by law, determines to be appropriate.

(b) SUBMISSION OF PERFORMANCE REVIEW.—

(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall submit to Congress a report regarding the safety of air carriers that provide interstate or foreign air transportation. The report shall include with respect to the year in which the report is filed—

(A) the number of accidents and a description of each accident of an air carrier attributed to each air carrier that provides interstate or foreign air transportation; and

(B) the names of makers of aircraft that have been involved in an accident.

(2) AVAILABILITY OF INFORMATION.—The Secretary shall make the annual report under paragraph (1) available to any person or entity upon request.

(3) TRAVEL AGENCIES AND OTHER PERSONS NOT COVERED.—Paragraph (1) shall not apply to a travel agency or other person that does not provide interstate or foreign air transportation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(2) CONFORMING AMENDMENT.—The analysis for chapter 417 of title 49, United States Code, is amended by adding at the end the following new item:

44727. Air traveler safety program.”.

(b) TIME FOR REGULATIONS.—The Secretary of Transportation shall issue the regulations required by subsection (a) not later than 90 days after the date of enactment of this Act.

(SPECIAL TENTH SESSION OF CONGRESS—PRESIDENTIAL REPORT.—The Secretary of Transportation shall submit the first annual report to Congress under subsection (a) not later than December 31, 2001.

By Mr. WARNER:

S. 202. A bill to rename Wolf Trap Farm Park for the Performing Arts as ‘‘Wolf Trap National Park for the Performing Arts’’: to the Committee on Energy and Natural Resources.

Mr. WARNER. Mr. President, today I rise to introduce a bill to rename the Wolf Trap Farm Park for the Performing Arts as the ‘‘Wolf Trap National Park for the Performing Arts’’. Wolf Trap is the only unit of the National Park System to be designated for the performing arts. It provides an unrivaled setting for live performances in the rolling countryside of Virginia outside of Washington, D.C.

To provide this unique experience, the National Park Service collaborates with the Wolf Trap Foundation in a public/private partnership to offer cultural, natural, and educational experiences to the community and to the nation. The National Park Service maintains the grounds and buildings of Wolf Trap Farm Park. The Wolf Trap Foundation, a ‘501(c)(3)’ not-for-profit organization, creates and selects the programming, develops all education programs, handles ticket sales, marketing, publicity and public relations, and raises funds to support these programs. The Park Service has an annual budget of just over $3 million to maintain the facility while the Wolf Trap Foundation has an annual budget of $22 million, of which 99% is generated through ticket sales with the rest raised through private donations.

Wolf Trap offers a wide variety of educational programs including the nationally acclaimed Wolf Trap Institute for Early Learning Through the Arts for preschoolers, scholarships and performance opportunities for talented high school musicians, pre-performance preview lectures, the America’s Promise mentoring program, the Mars and music project in partnership with Buzz Aldrin Elementary School, the Folk Masters Study Units for teachers who want to incorporate the folk arts into their curriculum, a highly competitive internship program for college students, and master classes for people with all skill levels and interest. Wolf Trap has also gained worldwide recognition for its summer residency program for young opera singers, the Wolf Trap Opera Company.

This legislation recognizes Wolf Trap’s status as one of the crown jewels in the National Park System. Including Wolf Trap with the already designated National Parks is intended to
raise awareness of the unique role this facility plays in the nation’s natural, cultural and educational life. I urge my colleagues to join me in recognizing the many achievements of Wolf Trap. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENAMING.

The Act entitled “An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes”, Public Law 89–671 (16 U.S.C. 284) is amended in the first section and in section 2, deleting “Wolf Trap Farm Park” and inserting “Wolf Trap National Park for the Performing Arts”. Any reference to such park in any law, regulation, map, chart, or other record of the United States shall be considered to be a reference to the “Wolf Trap National Park for the Performing Arts”.

SEC. 2. USE OF NAME.

The Act entitled “An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes”, Public Law 89–671 (16 U.S.C. 284) is amended by adding at the end the following:

“Sec. 14. Any reference to the park other than by the name ‘Wolf Trap National Park for the Performing Arts’ shall be prohibited.”

SEC. 3. APPLICABILITY OF OTHER LAWS.

Any laws, rules, or regulations that are applicable to, or for the establishment of the National System that are designated as a “National Park” shall not apply to “Wolf Trap National Park for the Performing Arts” nor to any other unit designated as a “National Park for the Performing Arts”.

SEC. 4. TECHNICAL CORRECTION.

Section 4(c)(3) of “An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes”, Public Law 89–671 (16 U.S.C. 284) is amended by striking “Funds” and inserting “funds”.

By Mr. WARNER:

S. 201. A bill to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws, and for other purposes; to the Committee on Governmental Affairs.

Mr. WARNER. Mr. President, today I rise to introduce the Federal Employee Protection Act of 2001. This bill will significantly strengthen existing laws protecting federal employees from discrimination, harassment, and retaliation in the workplace. It is an unfortunate fact that too many federal employees are subjected to such treatment with alarming regularity.

My bill will result in a more productive work environment by ensuring agencies enforce the laws intended to protect federal employees from harassment, discrimination and retaliation for whistleblowing.

The Federal Employee Protection Act contains three main provisions: No. 1, when agencies lose judgments or make settlements in harassment, discrimination and whistleblower cases, the responsible Federal agency would pay any financial penalty out of its own budget, rather than out of a general Federal judgment fund; No. 2, Federal agencies are required to notify their employees about any applicable discrimination, harassment and whistleblower protection laws; and No. 3, each Federal agency is required to send an annual report to Congress and the Attorney General listing: the number of cases in which an agency is alleged to have violated any of the discrimination, harassment or whistleblower statutes; the disposition of each of these cases; the total of all monetary awards charged against the agency from these cases; and the number of agency employees disciplined for discrimination or harassment or retaliation. Additionally, the Federal Employee Protection Act requires each Federal agency to submit a one-time report to Congress and the Attorney General that includes the same information required for the annual reports going back for the last ten years. This report will provide a historical perspective to help evaluate current agency behavior. Under current law, agencies are not accountable financially when they lose harassment, discrimination and retaliation cases because any financial penalties are paid out of a government-wide fund and not the agency’s budget. I firmly believe that because there is no financial consequence to their actions, Federal agencies are essentially able to escape responsibility when they fail to comply with the law and are unresponsive to their employees’ concerns.

Reports of Federal agencies being indifferent or hostile to complaints of sexual harassment and racial discrimination undermine the ability of the Federal Government to enforce civil rights laws and hamper efforts to recruit talented individuals for Federal employment. The Federal Government must set an example for the private sector by promoting a workplace that does not tolerate harassment or discrimination of any kind and that encourages employees to report illegal activity and mismanagement without fear of reprisal.

I believe the Federal Employee Protection Act of 2001 will give Federal employees the protections they need to perform their jobs effectively and will give the taxpayers a government with more accountability. I urge my colleagues to support this important legislation.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. BOND, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Alabama (Mr. SHELBY), the Senator from Michigan (Mr. LEVIN), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 29

At the request of Mr. STEVENS, the names of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 49, a bill to amend the wetlands regulatory program under the Federal Water Pollution Control Act to provide credit for the low wetlands loss rate in Alaska and recognize the significant extent of wetlands retention in Alaska, to protect Alaskan property owners, and to ease the burden on orderly regulated Alaskan cities, boroughs, municipalities, and villages.

S. 38

At the request of Mr. ROCKEFELLER, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 127

At the request of Mr. MCCAIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Maryland (Mr. BAYH) were added as cosponsors of S. 127, a bill to give American companies, American workers, and American ports the opportunity to compete in the United States cruise market.

S. 141

At the request of Mr. MCCAIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 141, a bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

S. 174

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 157, a bill to establish a program to help States expand the existing education system to include at least 1 year of early education preceding the year a child enters kindergarten.

S. 177

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 174, a bill to amend the Small Business Act with respect to the microloan program, and for other purposes.

S. 177

At the request of Mr. AKAKA, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Michigan (Ms. STABENOW), and the Senator from New Jersey (Ms. TORRICELLI) were added as cosponsors of S. 177, a bill to amend the provisions of title 19, United States Code, relating to the
manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 189

At the request of Mr. Enzi, his name was added as a cosponsor of S. 189, a bill to give the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

At the request of Mr. Hutchison, his name was added as a cosponsor of S. 189, supra.

SENATE CONCURRENT RESOLUTION 4—EXPRESSING THE SENSE OF THE SENATE REGARDING HOUSING AFFORDABILITY AND ENSURING A COMPETITIVE NORTH AMERICAN MARKET FOR SOFTWOOD LUMBER

Mr. Nickles (for himself, Mr. Duren, Mr. Fitzgerald, Mr. Graham, Mr. Hagel, Mr. Kyl, Mr. Inhofe, and Mr. Bingaman) submitted the following resolution; which was referred to the Committee on Finance:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States-Canada Softwood Lumber Agreement of 1996 should terminate on April 1, 2001, with no extension or additional quota agreement, and trade restrictions on lumber after the agreement expires should not be renegotiated;

(2) the President should continue to work with the Government of Canada to promote open and competitive trade between the United States and Canada on softwood lumber; and

(3) the President should consult with consumers of softwood lumber products in future discussions regarding the open trade of softwood lumber between the United States and Canada.

NOTICE OF HEARINGS/METINGS

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. Lugar. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on January 30, 2001 in SH-216 at 9 a.m. The purpose of this hearing will be to review the Report from the Commission on 21st Century Production Agriculture.

COMMITTEE ON INDIAN AFFAIRS

Mr. Campbell. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, January 31, 2001 at 9:15 a.m. in room 485 of the Russell Senate Office Building to conduct a business/organizational meeting to elect the chairman and vice chairman of the committee.

Those wishing additional information may contact committee staff at 202-224-2251.

ORDER FOR RECORD TO REMAIN OPEN UNTIL FEBRUARY 20 TO SUBMIT CRANSTON TRIBUTES

Mr. MURKOWSKI. Madam President, I ask unanimous consent the order of January 5th with respect to the Cranston tributes be changed to reflect that Senators have until Tuesday, February 20, to submit tributes, and that the tributes then be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the Senator from Colorado (Mr. Campbell) as Chairman of the Commission on Security and Cooperation in Europe (Helsinki) during the 107th Congress.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–94 and Public Law 106–292, appoints the following Senators to the United States Holocaust Memorial Council: The Senator from Nevada (Mr. Reid), and the Senator from California (Mrs. Boxer) (reappointment).

The Chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., sections 42 and 43, reappoints the Senator from Tennessee (Mr. Frist) as a member of the Board of Regents of the Smithsonian Institution.

ORDERS FOR TUESDAY, JANUARY 30, 2001

Mr. MURKOWSKI. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Tuesday, January 30. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of Governor Christine Todd Whitman to be administrator of the EPA as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I ask further consent that on Tuesday the allotted time for Senator MURKOWSKI on the Whitman nomination be increased by 10 minutes and the time between 2:15 p.m. and 2:45 p.m. be equally divided between Senator Graham of Florida and the majority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I also ask that the Senate recess from 12:30 until 2:15 p.m. to accommodate the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. Madam President, tomorrow at 10 a.m., the Senate will immediately begin consideration of the Whitman nomination for Administrator of the EPA. Under the previous order, there will be up to 30 minutes for debate on the nomination. Following that debate, the Senate will resume consideration of the nomination of Gale Norton to be Secretary of the Interior. There will be approximately 2 hours for closing debate on the Norton nomination, with votes scheduled to occur at 2:45 p.m.

As a reminder, the Secretary of Labor, Elaine Chao, was confirmed today by the Senate by unanimous consent. Therefore, there will be two consecutive votes beginning at 2:45 p.m. on Tuesday. Following those votes, the Senate will begin consideration of the nomination of John Ashcroft to be Attorney General.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MURKOWSKI. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:41 p.m., adjourned until Tuesday, January 30, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 29, 2001:

EXECUTIVE OFFICE OF THE PRESIDENT

Robert B. Zoellick of Virginia, to be United States Trade Representative, with the Rank of Ambassador Extraordinary and Plenipotentiary.

DEPARTMENT OF LABOR

Elaine Lan Chao, of Kentucky, to be Secretary of Labor.

DEPARTMENT OF JUSTICE

John Ashcroft, of Missouri, to be Attorney General.

CONFIRMATION

Executive nomination confirmed by the Senate January 29, 2001:

DEPARTMENT OF LABOR

Elaine Lan Chao, of Kentucky, to be Secretary of Labor.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 30, 2001 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

JANUARY 31

9:15 a.m.
Indian Affairs
To hold an organizational business meeting to elect the Chairman and Vice Chairman; and to consider committee budget resolution and rules of procedure for the 107th Congress.

SR–485

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to examine the impact of California’s electricity crisis on the West.

SH–216

10 a.m.
Budget
To hold hearings on the issues of the budget and the economic outlook of the United States.

SD–608

FEBRUARY 1

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the American Airlines’ proposed acquisition of Trans World Airlines (TWA), and part of DC Air, focusing on airline competition, and the impact on consumers.

SR–253

10:30 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the decision of the General Accounting Office to place strategic human capital management on GAO’s “High-Risk” list of federal agencies and programs that are vulnerable to waste, fraud, abuse and mismanagement, including administrative and legislative solutions to the human capital crisis.

SD–342

FEBRUARY 13

10 a.m.
Banking, Housing, and Urban Affairs

SH–216
Daily Digest

HIGHLIGHTS

Senate confirmed the nomination of Elaine L. Chao, to be Secretary of Labor.

Senate

Chamber Action

Routine Proceedings, pages S591–S654

Measures Introduced: Ten bills and one resolution were introduced, as follows: S. 193–202, and S. Con. Res. 4.

Measures Reported:

Special Report entitled “Report of the Committee on Governmental Affairs—United States Senate and its Subcommittees for the One Hundred Fifth Congress”. (S. Rept. No. 107–1)

Nomination Considered: Senate began consideration of the nomination of Gale Ann Norton, of Colorado, to be Secretary of the Interior.

Nomination—Agreement: A unanimous-consent agreement was reached providing for consideration of John Ashcroft, of Missouri, to be Attorney General of the United States, on Tuesday, January 30, 2001.

Tributes to Alan Cranston—Modified: A unanimous-consent agreement was reached providing that the tributes to Alan Cranston, late a Senator of California, be printed as a Senate Document; and that Senators have until Tuesday, February 20, 2001.

Appointments:

Commission on Security and Cooperation in Europe (Helsinki): The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appointed Senator Campbell as Chairman of the Commission on Security and Cooperation in Europe (Helsinki) during the 107th Congress.

United States Holocaust Memorial Council: The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, appointed Senators Reid and Boxer to the United States Holocaust Memorial Council.

Smithsonian Institution Board of Regents: The Chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., sections 42 and 43, re-appointed Senator Frist as a member of the Board of Regents of the Smithsonian Institution.

Nominations Confirmed: Senate confirmed the following nominations:

Elaine Lan Chao, of Kentucky, to be Secretary of Labor.

Nominations Received: Senate received the following nominations:

Robert B. Zoellick, of Virginia, to be United States Trade Representative, with the rank of Ambassador.

Elaine Lan Chao, of Kentucky, to be Secretary of Labor.

John Ashcroft, of Missouri, to be Attorney General.

Communications:

Statements on Introduced Bills:

Additional Cosponsors:

Notices of Hearings:

Additional Statements:

Adjournment: Senate met at 12 noon, and adjourned at 4:41 p.m., until 10 a.m., on Tuesday, January 30, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S654.)

Committee Meetings

No committee meetings were held.
House of Representatives

Chamber Action

The House was not in session. It will next meet on Tuesday, January 30 at 2 p.m.

Committee Meetings

No committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, JANUARY 30, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold an organizational business meeting to consider committee budget resolution, rules of procedure for the 107th Congress, and subcommittee assignments; to be followed by hearings to review the final report of the 21st Century Commission on Production Agriculture, 9 a.m., SH–216.

Committee on the Budget: to hold hearings to examine the current state of the United States economy, 10:30 a.m., SD–608.

Committee on Finance: to hold hearings on the nomination of Robert Zoellick, to be United States Trade Representative, 10 a.m., SD–106.

Committee on the Judiciary: business meeting to consider the nomination of John Ashcroft, of Missouri, to be Attorney General, 2:30 p.m., SD–226.

House

No committee meetings are scheduled.
Next Meeting of the SENATE
10 a.m., Tuesday, January 30

Senate Chamber

Program for Tuesday: Senate will consider the nomination of Christine Todd Whitman, of New Jersey, to be Administrator of the Environmental Protection Agency; and at 10:30 a.m., Senate will resume consideration of the nomination of Gale Ann Norton, of Colorado, to be Secretary of the Interior; with votes on confirmation of the aforementioned nominations to occur at 2:45 p.m. Senate will then begin consideration of the nomination of John Ashcroft, of Missouri, to be Attorney General.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Tuesday, January 30

House Chamber

Program for Tuesday: Consideration of the following suspension: H.R. 93, Federal Firefighters Retirement Age Fairness Act.